



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL

The Application for Dispute Resolution filed by the landlord seeks an Order for Possession pursuant to a 2 month Notice to End Tenancy dated February 19, 2018 and setting the end of tenancy for April 30, 2018.

The tenant(s) failed to appear at the scheduled start of the hearing which was 9:00 a.m. on June 28, 2018. A representative of the landlord was present and ready to proceed. I left the teleconference hearing connection open and did not start the hearing until 10 minutes after the schedule start time in order to enable the tenant to call in. The tenants failed to appear. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I then proceeded with the hearing. The representative of the landlord was given a full opportunity to present affirmed testimony, to make submissions and to call witnesses.

On the basis of the solemnly affirmed evidence presented at the hearing a decision has been reached. All of the evidence was carefully considered.

I find that the Notice to End Tenancy was served on the Tenant(s) by posting on February 19, 2018. Further I find that the Application for Dispute Resolution and Notice of Dispute Resolution Hearing was served on the Tenants by mailing, by registered mail to where the Tenants reside on May 9, 2018. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided:

The issue to be decided is whether the landlord is entitled to an Order for Possession?

Background and Evidence:

The parties entered into a written tenancy agreement that provided that the tenancy would start on June 1, 2013. The rent is \$875 per month payable in advance on the first day of each month. The tenant(s) paid a security deposit of \$420 at the start of the tenancy.

The landlord testified the rental property is in poor condition because of leaks in the roof and the tenants will have to come to an end in order for the landlord to make the

extensive repairs required for the interior and exterior of the rental unit and rental property.

Analysis - Order of Possession:

I determined the landlord was entitled to an Order for Possession. The landlord served a 2 month Notice to End Tenancy on the Tenant(s) on February 19, 2018. The Tenant(s) have not made an application to set aside the Notice to End Tenancy and the time to do so has expired. In such situations the Residential Tenancy Act provides the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, and must vacate the rental unit by that date. Accordingly, I granted the landlord an Order for Possession.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

This decision is final and binding on both parties.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under section 9.1(1) of the Residential Tenancy Act.

Dated: June 28, 2018

Residential Tenancy Branch