



# 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 of Possession based on a 2 month Notice to End Tenancy dated January 17, 2019 and setting the end of tenancy for March 31, 2019.

The tenant(s) failed to appear at the scheduled start of the hearing which was 11:00 a.m. on May 3, 2019. 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 tenant(s) 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 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 2 month Notice to End Tenancy was served on the Tenant by posting on January 17, 2019. Further I find that the Application for Dispute Resolution and Notice of Dispute Resolution Hearing was served on the Tenant by mailing, by registered mail to the Tenant on March 29, 2019. The landlord testified she witnessed Canada Post deliver it to him on April 1, 2019.

### 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 tenancy was commenced about 7 years ago. The rent was initially \$650 per month but it was later increased to \$700 per month. The tenant did not pay a security deposit.

The landlord testified her husband passed away in December 2018. She wishes to move into the rental unit and no longer wishes to rent it. The tenant paid half of the rent for November 2018. He has not paid any rent since then.

### 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 on January 17, 2019. 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. The landlord has not reinstated the tenancy. The tenant has not paid any rent since December 2018. Accordingly, I granted the landlord an Order for Possession on 2 days notice.

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: May 03, 2019

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Residential Tenancy Branch