



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding HIRST AVENUE TOWNHOMES SITEFINDERS INCORPORATED  
and [tenant name suppressed to protect privacy]

## **DECISION**

### **Dispute Codes**

OPC – 4M

### **Introduction**

This hearing was convened in response to an application by the Landlord pursuant to Section 55(2)(B) of the *Residential Tenancy Act* (the “Act”) for an Order of Possession.

Both the landlord and the tenants participated in the hearing. Both parties were given opportunity to be heard. The tenants acknowledged receiving the subject Notice to End Tenancy of this matter, dated July 04, 2019.

#### *Preliminary matters*

*The style of cause* of this matter (the landlord’s action on application) has been amended, by consent, to reflect the legal name of the tenant(s).

### **Issue(s) to be Decided**

Is the Landlord entitled to an Order of Possession?

### **Background and Evidence**

The following is relevant and undisputed evidence: On July 04, 2019 the Landlord served the Tenant in person with a *Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of Rental Unit* (the “Notice”, “the Four Month Notice”). The effective date stated on the Notice is November 30, 2019. The Tenant

acknowledged they did not file an application to dispute the Notice and has not moved, however endeavours to do so by the effective date of the Notice. The parties agreed the tenancy is ending no later than the effective date of the Notice, and the tenant does not dispute the landlord's request for an order of possession.

### **Analysis**

**Section 49** of the Act requires that upon receipt of a Four Notice to End Tenancy, the tenant has the right, within thirty (30) days of receiving the notice, to dispute the notice by filing an Application for Dispute Resolution with the Residential Tenancy Branch. If the tenant does not dispute the Notice, the tenant is conclusively presumed by the Act to have accepted that the tenancy ends on the effective date of the Notice *and must* vacate the unit by that date.

**Section 55(2)(b)** of the Act provides that a landlord may request an Order of Possession of a rental unit by making an application for dispute resolution where a Notice to End the tenancy has been given by the landlord, and the tenant has not disputed the notice by making an application for dispute resolution - and the time for making that application has expired.

Based on the undisputed evidence I find that the tenant was served in accordance with the Act with a valid Notice to End on July 04, 2019. I find the Notice is valid and in compliance with Section 52 of the Act. The tenant has not disputed the Notice and has not moved out of the unit, and as a result, I find the Landlord is entitled to an Order of Possession for the effective date of the Notice. As a result,

**I grant the landlord an Order of Possession effective November 30, 2019.**

The tenant must be served with this Order of Possession. If necessary, should the tenant fail to comply with the Order, the Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

**Conclusion**

The landlord's application is granted in the above terms.

**This Decision is final and binding.**

*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: October 15, 2019

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Residential Tenancy Branch