



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPL-4M

### Introduction

This hearing dealt with the landlords' application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- An order of possession pursuant to section 55 of the *Act*.

The hearing was conducted via teleconference and was attended by the landlord. No one was in attendance on behalf of the tenants. The landlord submitted documentary evidence that the tenants were served notice of this application and this hearing by registered mail on August 8, 2019. Canada Post tracking information was submitted in the landlord's evidence. Based on the submissions of the landlord, I find the tenants were deemed served notice of this proceeding five days later on August 13, 2019, pursuant to section 90 of the *Act*. Therefore, I continued in the absence of the tenants.

### Issue(s) to be Decided

Is the landlord entitled to an order of possession?

### Background and Evidence

The landlord gave the following **undisputed testimony**. The tenancy began sometime in 2009. The current monthly rent is \$600.00 plus utilities. The landlord issued a Four Month Notice to End Tenancy for Demolition, Renovation, Repair, or Conversion of a Rental Unit (the 4 Month Notice) pursuant to section 49(6) of the *Act* on May 16, 2019 with an effective date of September 30, 2019. The landlord testified that he personally served RD. The landlord testified that the unit will be fully renovated right down to the studs which requires the unit to be vacant. The landlord testified that since serving RD the notice he has been belligerent and continues to give obscene hand gestures towards the landlord. The landlord testified that the tenants exercised their compensation option for the month of September and have not paid any rent for October. The landlord testified that the tenants have cut off all communication with him but still reside in the unit. The landlord requests an order of possession based on the notice and that fact that the tenants have not disputed the notice.

### Analysis

Section 49(8)(b) of the *Act* provides that a tenant who receives a Four Month Notice to End Tenancy for Demolition, Renovation, Repair, or Conversion of a Rental Unit has 30 days to dispute the notice. Further, section 49(9) of the *Act* confirms that failure to dispute the notice in the required time period results in the conclusive presumption that the tenant has accepted the tenancy ends on the effective date of the notice. The tenant has not filed an application to dispute the notice.

I have examined the Four Month Notice to End Tenancy for Demolition, Renovation, Repair, or Conversion of a Rental Unit dated May 16, 2019 with an effective date of September 30, 2019 and find that it complies with section 52 of the *Act*. Therefore, I grant the landlord an order of possession pursuant to section 55 of the *Act*. The order of possession may be filed in and enforced as an order of the Supreme Court of British Columbia.

### Conclusion

The Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of a Rental unit dated May 16, 2019 with an effective date of September 30, 2019 is confirmed, it is of full effect and force. The tenancy is terminated. The landlord is granted an order of possession.

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 24, 2019

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Residential Tenancy Branch