



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION

Dispute Codes: OPL

Introduction

This application was brought by the landlord on April 22, 2009 seeking an Order of Possession pursuant to a two-month Notice to End Tenancy for landlord use served in person on January 22, 2009.

Despite having been served with the Notice of the Hearing in person on April 23, 2009, the tenant did not call in to the number provided to enable his participation in the telephone conference call hearing. Therefore, it proceeded in his absence.

Issues to be Decided

This application requires a decision on whether the landlord is entitled to an Order of Possession in support of the Notice to End Tenancy.

Background and Evidence

This tenancy began approximately two years ago. Rent is \$700 per month and the landlord holds a security deposit of \$350.

During the hearing, the landlord gave evidence that the tenant had not moved out on March 31, 2009, the end of tenancy date set by the Notice to End Tenancy. She stated that he remained in the rental unit at the time of the hearing on April 29, 2009.

Analysis

Section 49 of the *Act*, which deals with notice to end tenancy for landlord use, provides that a tenant may make application for dispute resolution to contest it within fifteen days of receiving the notice.

If the tenant does not make application, they are conclusively presumed to have accepted that the tenancy ends on the date stated on the notice. In this matter, the tenant has not made application to dispute the notice.

Therefore, the landlord requested, and I find she is entitled to, an Order of Possession effective two days from service of it on the tenant.

Conclusion

The landlord's copy of this decision is accompanied by an Order of Possession, enforceable through the Supreme Court of British Columbia, effective two days from service of it on the tenant.

April 29, 2009

Dispute Resolution Officer