



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR OPL O

Introduction

This hearing dealt with an application by the landlord for an order of possession. The application had originally requested a monetary order as well but the landlord waived that request at the hearing. The tenant did not attend the conference call hearing despite having been served with the landlord's Application for Dispute Resolution and Notice of Hearing in person in the presence of a witness on October 15, 2016.

Issue(s) to be Decided

Is the landlord entitled to the requested order?

Background and Evidence

This tenancy began nine years ago. The rent is \$375.00 per month. On June 25, 2016 the landlord served the tenant with a 2 Month Notice to End Tenancy for Landlord's Use. The effective date of the Notice was August 31, 2016. The tenant did not dispute the Notice but then failed to move out on August 31st. The landlord testified that he then went to the tenant to get her written agreement to move out on September 30, 2016. The tenant again failed to move out and stopped paying rent as well.

Analysis

Section 49 of the Act requires that upon receipt of a 2 Month Notice to End Tenancy for Landlord's Use the tenant must, within 15 days, dispute the notice by filing an Application for Dispute Resolution with the Residential Tenancy Branch. If, as in the present case, the tenant does not dispute the Notice, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice.

The effective date of the Notice in this case is August 31, 2015 but the tenant has still not moved out of the rental unit.

Accordingly, I find that the landlord is entitled to an order of possession effective two days from the date of service.

Conclusion

Based on the above background, evidence and analysis I find that the landlord is entitled to an order of possession effective two days after service on the tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

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: December 06, 2016

Residential Tenancy Branch