



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPC

### Introduction

This hearing dealt with the landlord's application for an Order of Possession. The tenant did not appear at the hearing. The landlord presented the person that served the hearing documents upon the tenant to testify. The document server testified that he personally served the tenant with the Application for Dispute Resolution and Notice of Hearing to the tenant on March 7, 2012 at the rental unit. Having been satisfied the tenant was served with the hearing documents I proceeded to hear from the landlord without the tenant present.

### Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

### Background and Evidence

The month to month tenancy commenced January 1, 2012 and the tenant is required to pay rent of \$500.00 on the 1<sup>st</sup> day of every month. On January 27, 2012 the landlord personally served the tenant with a 1 Month Notice to End Tenancy for Cause (the Notice) at the rental unit. The Notice indicates the reason for ending the tenancy is because the tenant has engaged in illegal activity that has, or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord. has a stated effective date of February 29, 2012. The tenant filed to dispute the Notice on February 12, 2012 and a hearing was scheduled for March 11, 2012. Neither party appeared at the March 11, 2012 and the application was dismissed.

The landlord testified that the tenant is still occupying the rental unit and refuses to move. The Ministry sent the landlord rent monies for the month of March 2012 which the landlord has deposited because the tenant indicated she would not move. The landlord stated that he deposited the funds with the intention of pro-rating and refunding a portion to the tenant or the Ministry if the tenant gives up possession during the month of March 2012.

Provided as documentary evidence for this proceeding was a copy of the Notice to End Tenancy.

### Analysis

Where a tenant receives a 1 Month Notice the tenant has 10 days to file an Application for Dispute Resolution to dispute the Notice. An extension of time to make an application to dispute a Notice may be given by a Dispute Resolution Officer in extraordinary circumstances only.

In this case, I am satisfied the tenant received a 1 Month Notice from the landlord on January 27, 2012 and the tenant did not file to dispute the Notice in time. Nor was she granted an extension of time to dispute the Notice. Therefore, since the Notice was not cancelled pursuant to the tenant's application, I accept the Notice that has been presented to me for this proceeding and I find the tenancy ended February 29, 2012.

Since the tenancy has ended and the tenant continues to occupy the rental unit the landlord is entitled to an Order of Possession. Provided with this decision is an Order of Possession effective two (2) days after service upon the tenant.

### Conclusion

The landlord has been provided an Order of Possession effective two (2) days after service upon the tenant.

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: March 20, 2012.

---

Residential Tenancy Branch