



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC

Introduction

This hearing dealt with a landlords' Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act") to obtain an order of possession for cause.

The female landlord appeared at the teleconference hearing and gave affirmed testimony. During the hearing the landlord was given the opportunity to provide their evidence orally. A summary of the testimony is provided below and includes only that which is relevant to the hearing.

As the tenant did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the "Notice") was considered. The landlord provided affirmed testimony that she served the Notice on the tenant in person on March 5, 2013 at 7:30 p.m. at the rental unit. I find the tenant was duly served in accordance with the *Act*.

Issue to be Decided

- Is the landlord entitled to an order of possession for cause under the *Act*?

Background and Evidence

The landlord affirmed that a month to month tenancy agreement began on September 1, 2012. Monthly rent in the amount of \$450.00 is due on the first day of each month. The tenant paid a security deposit of \$225.00 at the start of the tenancy.

The landlord confirmed service of the 1 Month Notice to End Tenancy For Cause (the "1 Month Notice") dated January 28, 2013, by posting to the tenant's door on January 28, 2013 with an effective vacancy date of February 28, 2013. The landlord stated that the tenant called her a few hours later about the 1 Month Notice, which she stated confirmed that she received the 1 Month Notice.

The tenant did not dispute the 1 Month Notice. The landlord stated that the tenant continues to occupy the rental unit and is seeking an order of possession.

The landlord provided copies of both pages of the 1 Month Notice and copies of e-mails between the parties as evidence for this proceeding.

Analysis

Order of possession - I find that the tenant was deemed served with the 1 Month Notice on January 31, 2013, which is three days after the 1 Month Notice was posted to the tenant's door on January 28, 2013. Pursuant to section 90 of the *Act*, documents posted to the door are deemed served three days later. The tenant did not dispute the 1 Month Notice within 10 days of receiving the 1 Month Notice. Pursuant to section 47 of the *Act*, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice, which was February 28, 2013.

The tenant continues to occupy the rental unit. Pursuant to section 55 of the *Act*, **I grant the landlords an order of possession effective two (2) days after service on the tenant.**

Conclusion

I grant the landlords an order of possession effective two (2) days after service on the tenant. This order must be served on the tenant and may be enforced in the Supreme Court of British Columbia.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 27, 2013

Residential Tenancy Branch

