



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Neighbourhood Housing Society
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

OPC, FF

Introduction

The hearing was scheduled in response to an Application for Dispute Resolution, in which the Landlord applied for an Order of Possession for Cause and to recover the filing fee for this Application for Dispute Resolution.

The Agent for the Landlord stated that she personally served the Tenant with the Application for Dispute Resolution and Notice of Hearing on March 06, 2013, in the presence of the male Witness. The male Witness stated that he witnessed the service of these documents on this date. In the absence of evidence to the contrary, I find that these documents have been served in accordance with section 89 of the *Residential Tenancy Act (Act)*, however the Tenant did not appear at the hearing.

The Agent for the Landlord stated that she personally served the Tenant with a package of evidence on March 20, 2013, in the presence of the female Witness. The female Witness stated that she witnessed the service of these documents on this date. In the absence of evidence to the contrary, I find that these documents have been served in accordance with section 88 of the *Act*.

Issue(s) to be Decided

Is the Landlord is entitled to an Order of Possession?

Background and Evidence

The Agent for the Landlord stated that this tenancy began on March 15, 2008 and that she personally served the Tenant with a One Month Notice to End Tenancy for Cause on February 21, 2013, in the presence of the male Witness. The male Witness stated that he witnessed the service of these documents on this date.

The One Month Notice to End Tenancy for Cause indicated that the Landlord was ending the tenancy because the tenant or a person permitted on the property has seriously jeopardized the health or safety or lawful right of another occupant or the landlord and because the tenant or a person permitted on the property has put the

landlord's property at significant risk. The Notice informed the Tenant he must vacate the rental unit by March 31, 2013.

The Notice to End Tenancy for Cause informed the Tenant that he must move out of the rental unit by March 31, 2013 if he does not dispute the Notice within ten days of receiving it. I have no evidence that the Tenant disputed the Notice to End Tenancy.

Analysis

In the absence of evidence to the contrary, I find that on February 21, 2013 the Tenant received a One Month Notice to End Tenancy for Cause, served pursuant to section 47 of the *Act*, which declared that he must vacate the rental unit prior by March 31, 2013.

Section 47(5) of the *Act* stipulates that tenants are conclusively presumed to have accepted that the tenancy ends on the effective date of a notice received pursuant to section 47 of the *Act* and that the tenants must vacate the rental unit by that date unless the tenants dispute the notice within ten days of receiving it. As there is no evidence that the Tenant filed an application to dispute the Notice to End Tenancy, I find that the Tenant accepted that the tenancy was ending on March 31, 2013, pursuant to section 47(5) of the *Act*. As the Tenant did not vacate the rental unit by March 31, 2013, I find that the Landlord is entitled to an Order of Possession.

I find that the Application for Dispute Resolution has merit and that the Landlord is entitled to recover the fee for filing this Application.

Conclusion

I grant the Landlord an Order of Possession that is effective two days after it is served upon the Tenant. This Order may be served on the Tenant, filed with the Supreme Court of British Columbia, and enforced as an Order of that Court.

I grant the Landlord a monetary Order, in the amount of \$50.00, in compensation for the fee paid for filing the Application for Dispute Resolution. The monetary Order may be served on the Tenant, filed with the Small Claims Court of British Columbia, 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: April 03, 2013