



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Remax Little Oak Realty
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC

Introduction

This was a hearing with respect to the landlord's application for an order for possession pursuant to a one month Notice to End Tenancy for cause. The hearing was conducted by conference call. The landlord's representative and the owner of the rental property called in and participated in the hearing. The tenant did not attend, although he was personally served by the landlord's representative with the application for dispute resolution and Notice of Hearing on July 3, 2013.

Issue(s) to be Decided

Is the landlord entitled to an order for possession?

Background and Evidence

The rental unit is a basement suite in the owner's house in Aldergrove. The tenancy began approximately five years ago. There is no written tenancy agreement. The monthly rent is \$750.00 due on the first of each month. In May, 2013 The owner appointed the applicant to act as landlord and manage the rental property. On May 25, 2013 the landlord's representative personally served the tenant with a one month Notice to End Tenancy for cause. The cause alleged was that the tenant has interfered with and unreasonably disturbed another occupant of the rental property, seriously jeopardized the health, safety or lawful right of another occupant and put the landlord's property at significant risk. The Notice required the tenant to move out of the rental unit by June 30, 2013. The tenant has not moved and he did not apply to dispute the Notice to End Tenancy. The landlord submitted evidence including a letter advising the tenant of the grounds for the Notice to End Tenancy.

Analysis

Section 47 of the Act requires that upon receipt of a one month Notice to End Tenancy for cause the tenant may, within 10 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 apply to dispute the Notice to End Tenancy, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice.

Conclusion

Order of Possession – The Notice to End Tenancy required the tenant to move out by June 30, 2013; he has not done so. 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.

At the hearing the landlord's representative did not request payment of the filing fee for this application and I make no order with respect to the filing fee.

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: August 01, 2013

Residential Tenancy Branch

