



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC

Introduction

This was a hearing with respect to the landlord's application for an order for possession. The hearing was conducted by conference call. The landlord attended with his daughter who acted as his representative at the hearing. The tenants did not participate in the hearing although they were served with the application and Notice of Hearing by posting it to the door of the rental unit on April 1, 2014

Issue(s) to be Decided

Is the landlord entitled to an order for possession pursuant to a one month Notice to End Tenancy Notice to End Tenancy for cause?

Background and Evidence

The rental unit is a basement suite in the landlord's house in Surrey. The tenancy began in August, 2013, before the landlord became the owner of the rental property. On February 4, 2014 the landlord personally served the tenant with a one month Notice to End Tenancy for cause because the tenants' violent behaviour was disturbing the landlord and other occupants of the rental property. The tenant has not applied to dispute the Notice to End Tenancy, since the Notice to End Tenancy was given, both of the tenants have been incarcerated, but the female tenant has been released from custody. She has not been staying at the rental unit, but she has refused to remove her belongings from the rental unit and she has refused to deliver vacant possession of the rental unit to the landlord.

Analysis

The tenants have not applied to dispute the Notice to End Tenancy after the Notice was personally served on February 4, 2014. The tenants are therefore conclusively

presumed to have accepted that the tenancy ended on the effective date of the Notice to End Tenancy, which was February 28, 2014 and the landlord is therefore entitled to an immediate order for possession..

Conclusion

I grant the landlord an order for possession effective two days after service on the tenants. 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: May 07, 2014

Residential Tenancy Branch

