



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

Decision

Dispute Codes:

OPC

Introduction

This hearing dealt with an application submitted by the landlord seeking an Order of Possession based on the One-Month Notice to End Tenancy for Cause dated July 25, 2014 and purporting to be effective September 1, 2014.

Despite being served by registered mail sent on August 22, 2014, the tenant did not appear. The landlord verified the service by providing the Canada Post Tracking data.

Issue(s) to be Decided

Is the landlord is entitled to an Order of Possession based on the One-Month Notice to End Tenancy for Cause?

Background and Evidence Notice to End Tenancy

The landlord testified that the tenancy had originally started on Jan1, 2012 at which time the tenant paid a security deposit of \$187.50. The landlord testified that the tenant was issued a One-Month Notice to End Tenancy for Cause for significantly interfering with others, placing the property at risk and causing damage. The landlord testified that testified that the tenant had not filed an application to dispute the Notice, but has not yet vacated the unit.

The landlord testified that they have not accepted any rent from the tenant since the One-Month Notice was served. The landlord pointed out that the situation has escalated since the Notice was served on the tenant and her conduct has become even more of a concern.

As the effective date of the Notice has passed, the landlord is now seeking an immediate Order of Possession.

Analysis

Under section 47 of the Act, a landlord may end a tenancy by giving notice to end the tenancy for cause and section 47(2) of the Act states that a notice under this section must end the tenancy effective on a date that is:

- (a) not earlier than one month after the date the notice is received, and
- (b) the day before the day in the month, or in the other period on which the tenancy is based, that rent is payable under the tenancy agreement.

The Act states that a tenant may dispute a notice under this section by making an application for dispute resolution within 10 days after the date the tenant receives the notice. However, if a tenant who has received a notice under section 47 does not make an application for dispute resolution in accordance with subsection (4), the tenant

- (a) is conclusively presumed to accept the tenancy ends on the effective date
- (b) must vacate the rental unit by that date.

In this instance, the tenant failed to make an application to dispute the One-Month Notice. Therefore I find that under the Act an Order of Possession must be issued in favour of the landlord based on the One-Month Notice.

I hereby grant the landlord an Order of Possession effective 2 days after service on the tenant. This order must be served on the tenant and may be filed in the Supreme Court and enforced as an order of that Court

Conclusion

The landlord is successful in the application and is granted an Order of Possession based on the One Month Notice to End Tenancy for Cause.

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: October 09, 2014

