



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding British Columbia Housing Management Commission
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC FF

Introduction

This hearing dealt with an application by the landlord for an order of possession based on an undisputed 1 Month Notice to End Tenancy dated September 23, 2016. The landlord also requested recovery of the \$100.00 filing fee from the tenant.

Issue(s) to be Decided

Is the landlord entitled to the requested orders?

Background and Evidence

This tenancy began on February 1, 2014. The rent is \$328 per month. On September 23, 2016 the landlord served the tenant with 1 Month Notice to End Tenancy for Cause. The tenant did not dispute the Notice. The effective date of the Notice was October 31, 2016. The tenant has not yet vacated the rental unit.

The tenant testified that he did not know that he was supposed to dispute the Notice but rather thought that he could dispute the Notice on the date of the hearing.

Analysis

The landlord has requested an order of possession based on the undisputed Notice. In this regard, the relevant portion of Section 47 of the Act provides as follows:

47 (4) 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.

(5) If a tenant who has received a notice under this section does not make an application for dispute resolution in accordance with subsection (4), the tenant

(a) is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, and

(b) must vacate the rental unit by that date.

In other words, if a tenant does not dispute a Notice, the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice and must vacate the rental unit on that date.

In the present case, the tenant did not dispute the Notice, but rather, mistakenly believed that he could dispute the Notice at the hearing.

Accordingly, I find that the landlord is entitled to an order of possession effective two days from the date of service.

Conclusion

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.

I further order that the tenant pay to the landlord the sum of \$100.00 representing the fee paid by the landlord for this application.

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: November 01, 2016

Residential Tenancy Branch