



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding VANTOWN DEVELOPMENTS LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC

Introduction

This hearing was convened in response to an application by the landlord under the *Residential Tenancy Act* (the Act) for an Order of Possession. The hearing was conducted by conference call.

The landlord's agent attended the hearing. Although the tenant was served in accordance with Section 89 of the Act with the application for dispute resolution and Notice of Hearing sent by registered mail on January 20, 2017 the tenant did not call into the conference and did not participate in the hearing. The landlord testified they also sent the tenant all evidence submitted to this proceeding along with the Notice of Hearing package. The landlord provided proof of the registered mail service.

Issues(s) to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

This tenancy began in 1979. On December 30, 2016 the tenant was personally served with a One month Notice to End Tenancy for Cause pursuant to **Section 47(d)(i)&(ii)**, with an effective date of January 31, 2017. The landlord submitted a proof of service document stating the landlord's agent in attendance accompanied by a caretaker for the residential property personally left the Notice to End with the tenant at the tenant's

rental unit on December 30, 2016. The tenant did not file an application to dispute the Notice to End Tenancy. The tenant still resides in the unit.

Analysis

Section 47 of the Act provides that if a tenant does not apply to dispute a one Month Notice to End Tenancy for cause within 10 days after receiving it, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice and must vacate the rental unit by that date. The Notice to End Tenancy required the tenant to vacate the rental unit by January 31, 2017.

I find the tenant was served with the Notice. I find the Notice complies with Section 52. I find the tenant has not disputed the notice and has not vacated the unit, although the effective date of the Notice has passed. I find that the landlord is therefore entitled to an Order of Possession effective 2 days from the day it is served on the tenant.

I grant an Order of Possession to the landlord. The tenant must be served with this Order of Possession. Should the tenant fail to comply with the Order, the Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

Conclusion

The landlord's application is granted.

This Decision is final and binding on both parties.

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: February 20, 2017

Residential Tenancy Branch

