



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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 attended the hearing. Although the tenant was personally served in accordance with Section 89 of the Act with the application for dispute resolution and Notice of Hearing on March 07, 2019 the tenant did not call into the conference and did not participate in the hearing. The landlord also testified sending the tenant all evidence submitted to this proceeding along with the Notice of Hearing package. The landlord testified they further spoke to the tenant several days before to remind them of this hearing. The landlord provided proof of service documentation.

Issues(s) to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

On January 21, 2019 the tenant was personally served with a One month Notice to End Tenancy for Cause pursuant to **Section 47(1)(b) for repeated late payments of rent**, August 2018 through to January 2019., with an effective date of February 28, 2019. The landlord submitted a proof of service document stating they personally left the Notice to End with the tenant at the tenant's rental unit on January 21, 2019. 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 February 28, 2019.

I find the tenant was served with the Notice. I find the Notice complies with Section 52 of the Act. 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.

I grant an Order of Possession to the landlord effective 2 days from the day it is served on the tenant. 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.

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: April 15, 2019

Residential Tenancy Branch