



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Ministry of Housing

A matter regarding H.W.ROOMS INC  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPC

### Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution. The participatory hearing was held on April 21, 2023. The Landlord applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order of possession based on a One Month Notice to End Tenancy for Cause (the Notice)

The Landlord attended the hearing. However, the Tenant did not attend the hearing. The Landlord provided registered mail tracking information showing she mailed (to the rental unit) the Notice of Hearing and evidence to the Tenant on December 14, 2022. Pursuant to section 88 and 90 of the Act, the Tenant is deemed served with this package 5 days after it was mailed.

The Landlord was given a full opportunity to be heard, to present evidence and to make submissions. I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

### Issue to be Decided

- Is the landlord entitled to an order of possession under the *Act*?

### Background and Evidence

The Landlord stated that she served the Tenant with the Notice by sending it to him via email on October 20, 2022. The Landlord testified that she had the Tenant's express and written consent to send and serve documents via email. The Landlord stated that

she and the Tenant have routinely sent each other emails for tenancy related matters during the tenancy.

The Notice indicates that there is an issue with the Tenant's dog as a basis for ending the tenancy. The Landlord stated that the Tenant still has the dog and the issues are ongoing, contrary to his tenancy agreement.

### Analysis

Based on the testimony and documentary evidence, and on a balance of probabilities, I find:

After reviewing the Notice, I am satisfied that it complies with section 52 of the *Act* [*form and content of notice to end tenancy*]. Section 47 of the *Act* permits a landlord to end a tenancy for cause. A tenant who receives a notice to end tenancy for cause has 10 days after receipt to dispute it by making an application for dispute resolution. Failure to dispute the notice to end tenancy for cause in this period results in the conclusive presumption that the tenant has accepted the end of the tenancy, under section 47(5) of the *Act*.

In this case, the Landlord issued the Notice due to an issue with the Tenant's dog, which is unlawfully being kept in the rental unit. The Landlord stated she sent the Notice to the Tenant via email on October 20, 2022.

I note that email service is a permissible form of service, as long as the parties have agreed, up front to serve documents in this manner. I accept the Landlord's undisputed testimony that the Tenant provided his email for service purposes. Pursuant to sections 88(j) and 90 of the *Act* and section 43(1) of the Regulations, I find the Tenant is deemed served with the Notice 3 days after it was sent via email, on October 23, 2022.

The Tenant had 10 days, until November 2, 2022, to dispute the notice, but did not do so. Accordingly, pursuant to section 47(5) of the *Act*, I find the tenant is conclusively presumed to have accepted the end of the tenancy on the effective date of the Notice.

Therefore, the Landlord is entitled to an order of possession, which will be effective **two days after service** on the tenant.

### Conclusion

The landlord is granted an order of possession effective **two days after service** on the tenant. This order must be served on the tenant. If the tenant fails to comply with this

order the landlord may file the order with the Supreme Court of British Columbia and be 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: April 27, 2023

---

Residential Tenancy Branch