DECISION AND REASONS

Dispute Codes

OPC & FF

Introduction

This hearing dealt with an application by the landlord seeking an Order of Possession based on a breach by the tenant of the tenancy agreement and *Act*. Although the tenant was served with notice of this hearing and application by registered mail on March 27, 2009 the tenant did not appear for the hearing. I proceeded in the tenant's absence being satisfied that the tenant was served notice of this proceeding in accordance with section 89 of the *Act*.

Issue to be Determined

Is the landlord entitled to an Order of Possession?

Background and Evidence

This tenancy began on March 1, 2009 when the landlord and tenant signed an agreement on February 25, 2009. The agreement does not disclose the rental unit that is being rented or the monthly rent.

The landlord stated that on March 12, 2009 at 5:31 p.m. a one month Notice to End Tenancy for cause was posted on the door of the tenant's rental unit. The one month Notice to End Tenancy stated that the tenancy would end effective April 30, 2009. The landlord stated that the tenant has not vacated the rental unit as required by the notice.

Analysis

I accept the evidence of the landlord that the tenant was served with a one month Notice to End Tenancy for cause when it was posted to the door of the tenant's rental unit. The tenant had 10 days to file an application for Dispute Resolution to dispute the tenant.

I find that the tenant failed to exercise his right to dispute the one month Notice to End Tenancy and pursuant to section 47(5) of the *Act* I find that the tenant conclusively accepted the end of the tenancy effective April 30, 2009. On this basis I grant the landlord an Order of Possession effective **two (2) days** after it is served upon the tenant.

I also grant the landlord a monetary Order for the sum of $50.00 against the tenant in recovery of the filling fee the landlord paid for this application.

Conclusion

I grant the landlord's application and have issued an Order of Possession.

Dated May 20, 2009.

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Dispute Resolution Officer