



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      OPC

### Introduction

Some documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The respondent was served with notice of the hearing by hand on June 19, 2009 but did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

### Issues(s) to be Decided

This is a request for an Order of Possession based on a Notice to End Tenancy that was given for cause.

### Background and Evidence

On May 19, 2009 the landlord served the tenant with a one month Notice to End Tenancy for cause with an end of tenancy date of June 30, 2009. The tenant has not filed a dispute of this notice however the tenant has also failed to vacate on the end of tenancy date.

The landlord is therefore requesting an Order of Possession for as soon as possible.



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## Analysis

The landlord has served a proper one month Notice to End Tenancy for cause and the tenant has not filed a dispute of that notice. The Residential Tenancy Act states:

(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.

Therefore the landlord does have the right to an Order of Possession.

## Conclusion

I have issued an Order of Possession for 12 noon on August 1, 2009.

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: July 29, 2009.

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Dispute Resolution Officer