

DECISION

Dispute Codes OPC

Introduction

This hearing dealt with the landlord's application for an Order of Possession for cause. The tenant did not appear at the hearing. The landlord provided a registered mail receipt and tracking number as evidence that the tenant was notified of this proceeding via registered mail sent to the rental unit on February 11, 2010. I was satisfied the tenant was sufficiently notified of this hearing and I proceeded to hear from the landlord without the tenant present.

Issues(s) to be Decided

1. Is the landlord entitled to an Order of Possession for cause?

Background and Evidence

The landlord provided documentary evidence that the month to month tenancy commenced October 21, 2009 and the tenant was required to pay rent of \$375.00 on the 1st day of every month. The landlord testified that on January 31, 2010 the tenant was personally served with a *1 Month Notice to End Tenancy for Cause* (the Notice) in the presence of the Vancouver Police Department. The Notice has an effective date of February 28, 2010 and indicates the reason for ending the tenancy is that the tenant has seriously jeopardized the health or safety or lawful right of another occupant or the landlord. The tenant has not disputed the Notice.

As evidence for the hearing the landlord provided a copy of the registered mail receipt, the tenancy agreement, the Notice, excerpts of the landlord's log book and a letter from the occupant involved in an incident with the tenant.

Analysis

Where a tenant has been served with a Notice to End Tenancy for Cause, the tenant has 10 days to dispute the Notice in accordance with section 47 of the Act. If the tenant does not dispute the Notice, the tenant is conclusively presumed to have accepted that the tenancy will end on the effective date of the Notice and must vacate the rental unit by that date.

I am satisfied the tenant was served a Notice to End Tenancy for Cause on January 31, 2010 and since the tenant did not dispute the Notice, I find that the tenancy ended on February 28, 2010 and the tenant was required to vacate by that date. As the tenant continues to reside in the rental unit, the landlord is entitled to regain possession of the rental unit. The landlord is provided an Order of Possession effective two (2) days after service upon the tenant. The Order of Possession may be enforced in The Supreme Court of British Columbia as an Order of that court.

The landlord did not request recovery of the filing fee paid for this application and I make no such award to the landlord.

Conclusion

The tenancy has ended and the landlord is provided an Order of Possession effective two (2) days after service upon the tenant.

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: March 30, 2010.

Dispute Resolution Officer