

## **DECISION**

**Dispute Codes:** OPC

### **Introduction**

This application was brought by the landlord seeking an Order of Possession pursuant to a one-month Notice to End Tenancy for cause served by posting on the tenant's door on March 26, 2010. Notice served by posting is deemed under section 90(c) of the *Act* to have been received on March 29, 2010. While the end of tenancy date set on the Notice was April 26, 2009, the end date is automatically corrected to April 30, 2010 by section 53(2) of the *Act*.

Despite having been served with the Notice of Hearing sent by registered mail on April 15, 2010 and received on April 23, 2010, the tenant did not call in to the number provided to enable her participation in the telephone conference call hearing. Therefore, it proceeded in her absence.

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### **Issues to be Decided**

This application requires a decision on whether the landlord is entitled to an Order of Possession pursuant to the Notice to End Tenancy.

## **Background and Evidence**

This tenancy began in the fall of 2006, although the landlord could not recall the exact date. While the tenant had been permitted to use the basement suite for three months, she has refused to leave and, in addition, has given substantial cause for the landlord to seek an end to the tenancy.

While the landlord submitted compelling documentary evidence in support of the Notice to End Tenancy, as the tenant did not exercise her right to make application to contest the notice, it is not necessary that the evidence be reviewed in detail herein.

## **Analysis**

Section 47(4) of the *Act* provides that tenants receiving Notice to End the tenancy for cause may make application to dispute the notice within ten days of receiving it.

Section 47(5) of the *Act* states that if tenants do not make such application, they are conclusively presumed to have accepted that the tenancy ends on the date set out in the notice and must vacate the rental unit by that date.

These provisions are set out in the Notice to End Tenancy served on the tenant as well.

The effective end of tenancy date of the Notice to End Tenancy was April 30, 2010.

I find that the tenant has not made application to dispute the Notice and remains in the rental unit. Therefore, I find that the tenant is over holding and that the landlord is entitled to an Order of Possession effective two days from service of it on the tenant.

## **Conclusion**

The landlord's copy of this decision is accompanied by an Order of Possession, enforceable through the Supreme Court of British Columbia, to take effect two days from service of it on the tenant.

June 2, 2010