

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 May 26, 2010. Under section 90 of the *Act* documents served by posting are deemed to have been received three days later, May 29, 2010 in the present case.

Despite having been served with the Notice of Hearing sent by registered mail on June 11, 2010, the tenant did not call in to the number provided to enable his participation in the telephone conference call hearing. Therefore, it proceeded in his absence.

Issues to be Decided

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

Background and Evidence

This tenancy began on or about February 1, 2006 and rent is \$1,045 per month.

During the hearing, the landlord submitted letters from other tenants and a neighbour, a photograph and a diary of incidents involving the respondent tenant including late night disturbance, hoarding and admittance of undesirable persons to the rental building.

The landlord gave evidence that the tenant had not picked up the Notice of Hearing sent to him by registered mail.

Neither the landlord nor the tenant's advocate who was also served with the Notice of Hearing, were aware of any initiative by the tenant to file an application to dispute the Notice to End Tenancy and there is no record in the branch computer system of any such application.

Analysis

Section 47(4) of the *Act* provides that a tenant receiving a Notice to End Tenancy for cause may dispute the notice by filing for a Dispute Resolution Hearing within ten days of receiving the notice.

Section 47(5) of the *Act* states that a tenant who does not make an application to dispute the notice is conclusively presumed to have accepted that the tenancy ends on the date set by the notice which is June 30, 2010 in this instance.

Therefore, I find that the tenant is over holding and that the landlord is entitled to an Order of Possession to take effect 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.

July 26, 2010