



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes: *OPC*

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Does the landlord have cause to end the tenancy?

Background and Evidence

The tenancy started on February 01, 2005. The landlord provides subsidized housing. The tenant's share of rent is \$360.00 due in advance on the first of each month.

On July 29, 2010, the landlord served the tenant with a one month notice to end tenancy for cause. The tenant agreed that he had received the notice and that he did not dispute the notice. The effective date of the notice was August 31, 2010.

The landlord is applying for an order of possession effective November 01, 2010.

Analysis

Based on the testimony of both parties, I find that the tenant did not dispute the notice to end tenancy. Pursuant to section 47 (5) of the *Residential Tenancy Act*, if a tenant has received a notice to end tenancy for cause and does not make an application for dispute resolution within ten days after receiving the notice, the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice and must vacate the rental unit by that date.

Therefore, the landlord is entitled to an order of possession and pursuant to section 55(2); I am issuing a formal order of possession effective on or before November 01, 2010. The Order may be filed in the Supreme Court for enforcement.

Conclusion

I grant the landlord an order of possession effective on or before 1:00 p.m. on November 01, 2010.

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: October 15, 2010.

Dispute Resolution Officer