



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      CNC, OPT

### Introduction

This hearing dealt with an application by the tenant to cancel a notice to end tenancy for cause and obtain an order of possession. The tenant participated in the conference call hearing but the landlord did not. The tenant could not produce evidence that the landlord was served with the application for dispute resolution and notice of hearing. I found that the landlord had not been properly served with notice of the tenant's claim and the date and time of the hearing therefore the hearing did not proceed.

### Summary of Background and Evidence

The notice to end tenancy for cause was served on the tenant on September 24, 2010. The tenant applied for dispute resolution on October 21, 2010. Page 2 of the notice to end tenancy for cause states that the tenant has the right to dispute the notice within 10 days after it is received. If the tenant does not file an application within 10 days, it is presumed that the tenant has accepted the notice to end tenancy set out on the date specified on page 1 of the notice.

### Conclusion

Based on the documentary evidence I find that the tenant was properly served with a notice to end tenancy for cause. The tenant did not apply for dispute resolution to dispute the notice within the time period specified on the notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. The notice to end tenancy for cause is valid and in full force and effect.

The tenant's application is dismissed without leave to reapply.

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: November 19, 2010

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Dispute Resolution Officer