

## **Decision**

**Dispute Codes:** OPC

### **Introduction**

This hearing dealt with an application by the landlord for an order of possession for cause. The landlord participated in the hearing and gave affirmed testimony. Despite being served by way of registered mail with the application for dispute resolution and notice of hearing, the tenant did not appear.

### **Issue to be decided**

- Whether the landlord is entitled to the above under the Act

### **Background and Evidence**

Pursuant to a written tenancy agreement, the month-to-month tenancy began on September 1, 2005. Rent in the amount of \$328.00 is payable in advance on the first day of each month.

Arising from incidents involving the tenant which led to the landlord's concern about the conduct and behavior of the tenant, the landlord issued a 1 month notice to end tenancy for cause dated August 20, 2010. The notice was served by posting on the tenant's door on that same date. A copy of the notice was submitted into evidence. The reason shown on the notice for its issuance is as follows:

Tenant or a person permitted on the property by the tenant has:

- seriously jeopardized the health or safety or lawful right of another occupant or the landlord

The landlord testified that the tenant has not subsequently responded to the landlord's requests to meet with him in order to discuss the matter. Presently, the tenant continues to reside in the unit.

### **Analysis**

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenant was served with a 1 month notice to end tenancy for cause dated August 20, 2010. The tenant did not apply to dispute the notice within the 10 day period available for doing so. The tenant is therefore conclusively presumed under section 47(5) of the Act to have accepted that the tenancy ended on the effective date of the notice. Accordingly, I find that the landlord is entitled to an order of possession.

### **Conclusion**

I hereby issue an **order of possession** in favour of the landlord effective not later than **1:00 p.m., Tuesday, November 30, 2010**. This order must be served on the tenant. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

**DATE: November 9, 2010**

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Dispute Resolution Officer