



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

Dispute Codes      OPC, ET

### Introduction

This conference call hearing was convened in response to the landlord's application for an Order of Possession to end the tenancy with cause.

The landlord participated in the hearing and provided affirmed testimony of proper service of the Notice of Dispute Resolution to the tenant by posting the Notice on the tenant's door on December 9<sup>th</sup>, 2010. The tenant did not participate and the hearing proceeded in the tenant's absence.

### Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

### Background and Evidence

The rental unit consists of a single room suite in a rooming house located in Vancouver. The month to month based tenancy started on December 30<sup>th</sup>, 2009, whereby the landlord receives rental payments of \$425.00 from the Ministry of Housing and Social Development.

The landlord testified that the tenant is a drug addict. He stated that he has recorded the tenant doing heavy drugs such as crack and cocaine every day. In addition, the landlord said that the tenant allows her suite to be used by street workers on a regular basis.

The landlord said that a 1 Month Notice to End Tenancy was served on the tenant on June 10<sup>th</sup>, 2010, but that the owner of the residence allowed the tenant to remain provided that she stopped doing drugs and allowing guests engaged in prostitution. The landlord stated that the tenant failed to comply with these conditions and a second Notice to End Tenancy was served on July 26<sup>th</sup>, 2010. However, the tenant did not move out and she proceeded to threaten the landlord. In view of those threats and the tenant's continued activities, the landlord stated that on October 5<sup>th</sup>, 2010, he called an officer of the Vancouver Police Department to serve a third 1 Month Notice to End Tenancy effective November 5<sup>th</sup>, 2010. The landlord said that the tenant is still at the residence and he is seeking an order of possession.

## Analysis

I accept the landlord's undisputed testimony that he served the tenant with the Notice of Dispute Resolution in a proper manner pursuant to the *Residential Tenancy Act*. I find that the tenant knew, or ought to have had knowledge of the date scheduled for this hearing.

Section 47(5) of the *Residential Tenancy Act* provides that if a tenant who has received a notice to end tenancy with cause does not make an application for dispute resolution within 10 days, 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. The tenant in this matter has not filed an application for dispute resolution.

Accordingly, the landlord is entitled to an Order of Possession.



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## Conclusion

I grant the landlord an Order of Possession effective two days from the date the order is served upon the tenant.

This Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

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: January 05, 2011.

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Residential Tenancy Branch