



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## DECISION

Dispute Codes      OPC

### Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking an order of possession.

The hearing was conducted via teleconference and was attended by the landlord's agent only. The tenants did not attend.

The agent testified he served the tenants in person with the notice of hearing documents on March 17, 2011.

### Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for cause, pursuant to Sections 47 and 55 of the *Residential Tenancy Act (Act)*.

### Background and Evidence

The landlord testified the tenancy began on December 1, 2009 as a month to month tenancy for a current monthly rent of \$750.00 due on the 1<sup>st</sup> of each month and a security deposit of \$375.00 was paid.

The landlord submitted into evidence a copy of a 1 Month Notice to End Tenancy for Cause dated January 25, 2011 with an effective vacancy date of February 28, 2011 citing the tenants or persons permitted on the property by the tenants have significantly interfered with or unreasonably disturbed another occupant or the landlord; seriously jeopardized the health and safety or lawful right of another occupant or the landlord; and put the landlord's property at significant risk and that the tenants have engaged in illegal activity that has or is likely to damage the landlord's property and adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord.

The tenants did not file an Application for Dispute Resolution seeking to cancel the Notice.

### Analysis

Section 47 of the *Act* states a landlord may end a tenancy by giving a notice to end the tenancy for the reasons noted above and that a notice given under this section must comply with Section 52 of the *Act*. Section 52 outlines the form and content of the notice to end tenancy.

Section 47 (4) states a tenant who receives a notice to end the tenancy under Section 47 may dispute the notice by filing an Application for Dispute Resolution within 10 days of receipt of the notice.

As the tenants have failed to file an application to dispute the notice I find that, in accordance with Section 47(5) the tenants are conclusively presumed to have accepted that the tenancy ends on the effective date of the notice and must vacate the rental unit.

### Conclusion

I find that the landlord is entitled to an Order of Possession effective **two days after service on the tenants**. This order must be served on the tenants and may be filed in the Supreme Court 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: March 25, 2011.

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Residential Tenancy Branch