



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

Decision

Dispute Codes: OPC

Introduction

This hearing dealt with the landlord's application for an order of possession. Both parties participated in the hearing and gave affirmed testimony.

Issue to be decided

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

Background and Evidence

The landlord issued a 1 month notice to end tenancy for cause dated March 28, 2011. The notice was posted on the tenant's door on that same date. A copy of the notice was submitted into evidence. Reasons shown on the notice for its issuance are as follows:

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

- significantly interfered with or unreasonably disturbed another occupant or the landlord

Tenant has engaged in illegal activity that has, or is likely to:

- adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord

Subsequently, while the tenant did not file an application to dispute the notice and continues to reside in the unit, she testified that she is in the process of moving and plans to have completely vacated the unit within the next few days.

Analysis

Based on the documentary evidence and the affirmed testimony of the parties, I find that the tenant was served with a 1 month notice to end tenancy for cause dated March 28, 2011. The tenant did not apply to dispute the notice. 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 **two (2) days** after service on the tenant. 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.

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*.

DATE: June 2, 2011

Residential Tenancy Branch