

DECISION

Dispute Codes: OPC

Introduction

This Hearing was scheduled to hear the Landlord's application for an Order of Possession for Cause.

Both parties gave affirmed testimony at the Hearing.

Issue(s) to Decided

Are the Landlords entitled to an Order of Possession?

Background and Evidence

The Landlords issued a Notice to End Tenancy for Cause (the "Notice") on May 30, 2011, alleging the following reasons to end the tenancy:

1. The 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
 - jeopardize a lawful right or interest of another occupant or the landlord
2. Breach of a material term of the tenancy agreement that was not corrected within a reasonable time after written notice to do so
3. Tenant knowingly gave false information to a prospective tenant or purchaser of the rental unit or property.

The Landlords testified that they posted the Notice on the Tenant's door on May 30, 2011, with the Police present. The Tenant testified that he received the Notice "a couple of weeks ago".

Analysis

I accept the Landlords' testimony that the Notice was posted to the Tenants' door on May 30, 2011. Service in this manner is deemed to be effected 3 days after posting the document. Therefore, I find that the Tenant was duly served with the Notice pursuant to the provisions of Section 88(g) of the Act, and that the effective date of service was June 2, 2011. Pursuant to the provisions of Section 47(2) of the Act, I find that the effective date of the Notice is July 31, 2011.

This is an uncontested Notice. Section 47(4) of the Act provides that a tenant may dispute a Notice to End Tenancy for Cause by making an Application for Dispute Resolution within 10 days of receipt of the Notice. Section 47(5) of the Act deems a tenant who does not make an Application within 10 days of receipt of the Notice is conclusively presumed to accept that the tenancy ends on the effective date of the Notice and must vacate the rental unit on that date.

Further to the provisions of Section 55(2)(b) of the Act, I hereby provide the Landlord with an Order of Possession **effective 1:00 p.m., July 31, 2011.**

Conclusion

I hereby provide the Landlords an Order of Possession **effective 1:00 p.m., July 31, 2011.** This Order must be served on the Tenants and 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: June 21, 2011.

Residential Tenancy Branch