

Decision

Dispute Codes: OPC

Introduction

This hearing dealt with the landlords' application for an order of possession. Both parties participated in the hearing and gave affirmed testimony. During the hearing the landlord withdrew his original application to recover the filing fee.

Issues to be decided

- Whether the landlords are entitled to the above under the Act

Background and Evidence

Pursuant to a written tenancy agreement, the tenancy began on February 6, 2011. Monthly rent is \$400.00 and a security deposit of \$200.00 was collected. The landlord issued a 1 month notice to end tenancy for cause dated June 8, 2011. The notice was served by way of posting on the tenant's door on that same date. The tenant acknowledged receipt of the notice, but did not file an application to dispute it.

Analysis

I find that the tenant was served with a 1 month notice to end tenancy for cause dated June 8, 2011. The tenant did not apply to dispute the notice within 10 days following its receipt. 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., Sunday, July 31, 2011**. 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: July 19, 2011

Residential Tenancy Branch