



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC

### Introduction

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

The landlord participated in the hearing and provided affirmed testimony. She testified that she served the Notice of a Dispute Resolution Hearing to the tenants by way of registered mail sent September 3<sup>rd</sup>, 2011, provided a Canada Post tracking number and confirmed successful delivery on September 8<sup>th</sup>, 2011. 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 half duplex. The landlord testified that the tenancy started fifteen years ago, and that she recently took over possession of the unit. She said that she received complaints from the neighbours concerning the tenant's son, his friends and their behaviour; she stated that the police attended while the landlord was there on August 15<sup>th</sup>, 2011, and that they informed her that the tenant had been the source of several complaints. In her documentary evidence, the landlord provided a copy of the neighbour's record of incidents since August 2<sup>nd</sup>, 2011, citing loud music, profanity, police attendance, and an investigation of theft of jewellery.

The landlord is requesting an order of possession, and provided a copy of the 1 Month Notice to End Tenancy served to the tenant in person on August 16<sup>th</sup>, 2011.

### Analysis

I accept the landlord's undisputed testimony that she served the tenant with the Notice of Dispute Resolution in a proper manner pursuant to section 89 of 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. On that basis I find that the landlord is entitled to an order of possession as claimed.

### Conclusion

I grant the landlord an Order of Possession effective no later than 1:00PM, September 30<sup>th</sup>, 2011. 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: September 27, 2011.

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Residential Tenancy Branch