

## **DECISION**

Dispute Codes      OPC

### Introduction

This hearing dealt with the landlord's application for an Order of Possession for cause pursuant to section 55 of the *Residential Tenancy Act* (the *Act*).

The tenant did not attend this hearing, although I waited until 1:42 p.m. in order to enable the tenant to connect with this hearing. The landlord attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions.

The landlord testified that she posted a 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) on the tenant's door on September 1, 2011. The landlord testified that she handed the tenant a copy of the landlord's dispute resolution hearing package on September 23, 2011 at 3:10 p.m. I am satisfied that the landlord served these documents to the tenant in accordance with the *Act*.

### Issues(s) to be Decided

Is the landlord entitled to an Order of Possession for cause?

### Background and Evidence

This tenancy commenced as one-year fixed term tenancy on March 1, 2010. At the expiration of the term, this converted to a month-to-month tenancy. Monthly rent is set at \$725.00, payable in advance on the first of each month. The landlord holds the tenant's \$362.50 security deposit paid on February 15, 2010.

The landlord testified that the 1 Month Notice was issued to the tenant because the tenant has caused extraordinary damage to the rental unit. She entered into written evidence a copy of that Notice and a copy of the Residential Tenancy Agreement for this tenancy. She testified that the tenant has seriously damaged the front door of the rental unit. Although the landlord tried to repair it with a steel plate, this was subsequently removed. She also testified that there has been serious damage to the carpet during this tenancy.

### Analysis

The tenant has not made application pursuant to section 47(4) of the *Act* within ten days of receiving the 1 Month Notice. In accordance with section 47(5) of the *Act*, the tenant's failure to take this action within ten days led to the end of his tenancy on the effective date of the notice. Although the landlord identified the effective date for the 10 Day Notice as September 30, 2011, the earliest possible effective date for a 1 Month

Notice issued on September 1, 2011 would be October 31, 2011. Under these circumstances, I correct the effective date to October 31, 2011 in accordance with the authority granted to me under section 53(1) and (2) of the *Act*. I find that the landlord is entitled to an Order of Possession.

#### Conclusion

The landlord is provided with a formal copy of an Order of Possession effective at 1:00 p.m. on October 31, 2011. The landlord will be given a formal Order of Possession which must be served on the tenant. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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*.