



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **Decision**

**Dispute Codes:** OPC, FF

### **Introduction**

This hearing dealt with an application submitted by the landlord seeking an Order of Possession based on the One-Month Notice to End Tenancy for Cause dated August 11, 2011 and purporting to be effective November 30, 2011

Despite being served in person on September 2, 2011, the tenant did not appear.

### **Issue(s) to be Decided**

The issue to be determined on the landlord's application is whether the landlord is entitled to an Order of Possession based on the One-Month Notice to End Tenancy for Cause.

### **Background and Evidence Notice to End Tenancy**

The landlord testified that the tenancy had originally started in May 2010 and rent was \$525.00. A security deposit of \$250.00 was paid. The landlord testified that the municipality had ordered that the rooming house be closed and the tenant was served with a One-Month Notice to End Tenancy for Cause for this reason, citing that the tenancy was to be ended by government order. The landlord testified that the tenant did not dispute the Notice and currently is in the process of moving out. The landlord seeks an order of possession for cause.

### **Analysis**

Under section 47 (1) (k) of the Act, a landlord may end a tenancy by giving notice to end the tenancy if (k) the rental unit must be vacated to comply with an order of a federal, British Columbia, regional or municipal government authority;

The Act states that a tenant may dispute a notice under this section by making an application for dispute resolution within 10 days after the date the tenant receives the notice. However, if a tenant who has received a notice under section 47 does not make an application for dispute resolution in accordance with subsection (4), the tenant

(a) is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, and

(b) must vacate the rental unit by that date.

In this instance, the tenant did not dispute the Notice and therefore I find that under the Act an Order of Possession must be issued in favour of the landlord based on the One-Month Notice.

### **Conclusion**

I hereby grant the landlord an Order of Possession effective at 1:00 p.m. on Wednesday, November 30, 2011. This order must be served on the tenant and may be filed in the Supreme Court 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: October 03, 2011.

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Residential Tenancy Branch