



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, OPB

Introduction

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

The landlord participated in the hearing and provided affirmed testimony. She testified that she served the Notice of a Dispute Resolution Hearing to the tenant by way of registered mail sent on October 19th, 2011, and provided a Canada post tracking number. 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 an apartment in a multi-unit complex. Pursuant to a written agreement, the month to month tenancy started on July 1st, 2010. The rent is \$660.00 per month and the tenant paid a security deposit of \$330.00.

The landlord testified that the complex is a no-pet building. She stated that soon after the tenancy the tenant brought in a dog that urinates and defecates in the common areas. She said that the tenant has ignored requests to comply with the agreement. She

stated that she approached him on September 21st; she said that the tenant told her that he will do whatever he wants and shut the door in her face. The landlord indicates that the tenant has been vindictive ever since, breaking lights in the hallway and playing loud music.

In here documentary evidence, the landlord provided a copy of the 1 Month Notice to End Tenancy that she served on the tenant by posting the notice on the tenant's door on September 7th, 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 the evidence I accept that the notice was properly served on the tenant and that the landlord is entitled to an order of possession as claimed.

Conclusion

I grant the landlord an Order of Possession effective two days from the date the order is served upon the tenant.

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: November 09, 2011.

Residential Tenancy Branch