



# 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 by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession and for the recovery of the filing fee. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

### **Issues to be decided**

Does the landlord have cause to end the tenancy? Is the landlord entitled to the filing fee?

### **Background and Evidence**

The tenancy started on February 17, 2011. The monthly rent is \$850.00 due in advance on the first day of each month.

On September 30, 2011, the landlord served the tenant with a one month notice to end tenancy for cause with an effective date of October 31, 2011. The tenant stated that she was away and received the notice on October 08, 2011. The tenant agreed that she did not dispute the notice.

### **Analysis**

Based on the testimony of both parties, I find that the tenant did not dispute the notice to end tenancy. Pursuant to section 47 (5) of the *Residential Tenancy Act*, if a tenant has received a notice to end tenancy for cause and does not make an application for dispute resolution within ten days after receiving the notice, 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.

Therefore, the landlord is entitled to an order of possession and pursuant to section 55(2); I am issuing a formal order of possession effective on or before 1:00 p.m. on November 30, 2011. The Order may be filed in the Supreme Court for enforcement.

**Conclusion**

I grant the landlord an order of possession effective on or before 1:00 pm on November 30, 2011.

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 23, 2011.

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Residential Tenancy Branch