



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

OPC, FF

Introduction

This hearing was convened in response to an application by the landlord for an Order of Possession pursuant to the Residential Tenancy Act (the Act) in relation to an undisputed One Month Notice to End Tenancy for Cause (Notice to End) dated October 30, 2011 with an effective date of November 30, 2011. The landlord also applies for recovery of the filing fee for this application.

I accept that despite having been served with the application for dispute resolution and notice for this hearing in person in accordance with Section 89 of the Residential Tenancy Act (the Act) the tenant did not participate in the conference call hearing. I find that the Tenant has been served in accordance with the Act.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

The Notice to End was served on the tenant by personal service on October 30, 2011 in accordance with Section 88 of Act. The landlord provided the Notice to End and accompanying evidence in support of issuing the Notice to End. The tenant did not file an application for Dispute Resolution within the required 10 days permitted by the Act to dispute the Notice.

Analysis

On the undisputed testimony and evidence of the landlord, I find the tenant was served with a One Month Notice to End Tenancy for Cause. I find the form of the notice to be valid. The tenant has not filed an application for dispute resolution within the period of time permitted by the Act and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice.

Section 47 of the Act, in part, states as follows:

Landlord's notice: cause

47 (4) 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.

(5) If a tenant who has received a notice under this section 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.

Based on the above information, I find the landlord is entitled to an **Order of Possession**.

Conclusion

I grant an Order of Possession to the landlord effective on the effective date of the Notice to End: **November 30, 2011**. The tenant must be served with this Order of Possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

The landlord is also entitled to recovery of the filing fee for this application. **I order** the landlord may retain the amount of **\$50** from the tenant's security deposit in satisfaction of this order.

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: December 07, 2011

Residential Tenancy Branch