

DECISION

Dispute Codes OPC

Introduction

This is an application filed by the Landlord for an order of possession resulting from a 1 month notice to end tenancy for cause.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend. The Landlord states that the Tenant was served the notice of hearing and evidence package in person on January 27, 2012. The Landlord has not submitted any proof of service, but has a witness, G.P., a staff member who was present when the notice was served. The witness, G.P. states that it was served on either a Thursday or a Friday as those are her normal work days, but is unaware of the exact calendar date. The witness states that the Tenant was served in person in another Tenant's unit. I accept the direct testimony of the Landlord and the witness. I take note that the January 27, 2012 date is a Friday. I find that the Tenant has been properly served under the Act.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Background and Evidence

The Landlord states that the 1 month notice to end tenancy for cause was served on January 11, 2012 by posting it on the door. The notice states an effective move-out date of February 11, 2012. The Landlord cites as reasons for the notice:

- 1/ Tenant or a person permitted on the property by the tenant has:
 - significantly interfered with or unreasonably disturbed another occupant or the landlord
 - seriously jeopardized the health or safety or lawful right of another occupant or the landlord
 - put the landlord's property at significant risk
- 2/ Tenant has engaged in illegal activity that has, or is likely to:
 - adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord
 - jeopardize a lawful right or interest of another occupant or the landlord

The Landlord stated that as of the date of the notice that the Tenant has not filed for dispute resolution to dispute the notice.

Analysis

I accept the Landlord's undisputed testimony and I find that the Landlord has established a claim for an order of possession. The Tenant having being served with the notice to end tenancy has not filed an application to dispute the notice is presumed to accept the notice and must move out by the effective date of the notice. The Landlord granted an order of possession.

Conclusion

The Landlord is granted an order of possession.

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: February 15, 2012.

Residential Tenancy Branch