



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPC

### Introduction

This hearing dealt with an application for dispute resolution by the landlord for an order of possession.

The landlord's agent testified that she served the tenant with the application for dispute resolution and notice of hearing by personal delivery on February 22, 2012. The landlord also presented a witness who witnessed and confirmed service of the hearing documents. The tenant did not appear at the hearing.

The landlord successfully demonstrated sufficient delivery of the documents under Section 89 of the Residential Tenancy Act (the "Act") and the hearing proceeded in the tenant's absence.

The landlord gave affirmed testimony and was provided the opportunity to present her evidence orally and in documentary form prior to the hearing and make submissions to me.

### Issue(s) to be Decided

Is the landlord entitled to an order of possession?

### Background and Evidence

The landlord's agent stated that her company assumed management and therefore landlord's agent's duties for the residential property on June 1, 2011, and due to problems with the paperwork from the previous landlords, the landlord's agent never received a copy of a tenancy agreement. The landlord's agent stated that she believed the month to month tenancy began in November or December 2010.

Monthly rent is \$650.00 and the landlord's agent was not aware of any security deposit paid by the tenant.

The landlord's agent submitted that all tenants in the residential property were given notices on May 15, 2011, that the company she worked for would be assuming landlord duties on June 1, 2011, and also asked the tenants in the residential property to come forward with their tenancy agreement and proof of security deposits paid.

The landlord's agent submitted that the tenant refused to acknowledge the notice and she has not heard from the tenant.

The landlord's agent gave affirmed testimony and supplied evidence that on January 31, 2012, she served the tenant with a 1 Month Notice to End Tenancy for Cause (the "Notice") by personal delivery. The effective vacancy date listed on the Notice was February 29, 2012.

The Notice informed the tenant that the tenant had ten days to dispute the Notice.

I have no evidence before me that the tenant applied to dispute the Notice.

The landlord testified that the tenant has not moved out of the rental unit.

### Analysis

Based on the above testimony and evidence, and on a balance of probabilities, I find as follows:

The tenant did not apply to dispute the Notice and is therefore conclusively presumed under section 47(5) of the Act to have accepted that the tenancy ended on the effective date of the Notice.

I find that the landlord is entitled to an order of possession effective **two days** after service on the tenant.

I am enclosing an order of possession with the landlord's Decision. This order is a **legally binding, final order**, and may be filed in the Supreme Court of British Columbia for enforcement should the tenant fail to comply with this 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: March 13, 2012.

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Residential Tenancy Branch