



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC

Introduction

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

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 in person on March 20, 2012. 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 a single room within a supported housing complex in the downtown eastside. Pursuant to a written agreement, the month to month tenancy started on December 17, 2009. The rent is \$375.00 per month.

The landlord testified that the tenant made a large hole in the ceiling to store a significant number of stolen bicycle parts. She stated that she has since found other accommodations for the tenant, but that he continues to have personal items in the

current unit, and that she will need to replace the locks. The landlord requests an order of possession.

In her documentary evidence, the landlord provided a copy of the 1 Month Notice to End Tenancy served to the tenant in person on February 7, 2012, with an effective date of March 31, 2012; and a Mutual Agreement To End a Tenancy signed by both parties with the same effective date.

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 that basis alone I find that the landlord is entitled to an Order of Possession.

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: April 10, 2012.

Residential Tenancy Branch