

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 being served.

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 with the notice of hearing and evidence package by Canada Post Registered Mail on March 16, 2012 and has submitted a copy of the Customer Tracking Receipt. As such, I find that the Tenant has been properly served with the notice of hearing and evidence package by being deemed to have received the package 5 days later on March 21, 2012 pursuant to the Act. The Tenant did not submit any evidence.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Background and Evidence

The Landlord has provided a copy of the 1 month notice to end tenancy for cause dated January 17, 2012 which shows an effective date of February 29, 2012. The Landlord states that this notice was personally given to the Tenant on January 17, 2012 and after receiving it, returned it to the Landlord's Agent (property manager), D.M. D.M. has provided a letter stating how the notice dated January 17, 2012 was returned to him at the time and that the Landlord's Agent proceeded to post it on that date on the rental unit door.

Analysis

I accept the Landlord's undisputed testimony and I find that the Tenant was served with the notice personally on January 17, 2012. The Tenant has not attended this hearing nor did he file an application to dispute the notice within 10 days of receiving it and is therefore conclusively presumed to have accepted that the Tenancy ended on the

effective date of the notice. Based on the above facts, I find that the Landlord is entitled to an order of possession. The Tenant must be served with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

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: April 03, 2012.

Residential Tenancy Branch