

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 issued.

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 packages in person on March 26, 2012 at the rental unit to the Tenant's sister. The Landlord states that he is familiar with this person as she was a former Tenant of the rental property. I accept the Landlord's undisputed testimony and find that the Tenant was properly served with the notice of hearing and evidence in person on March 26, 2012 as deemed 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 Tenant was served a 1 month notice to end tenancy for cause dated February 14, 2012 by Canada Post Registered Mail on February 14, 2012 and has submitted the Canada Post Customer Receipt as evidence. The effective date of the notice is March 31, 2012. The reasons indicated on the notice is that the Tenant is repeatedly late paying rent; the Tenant or a person permitted by the Tenant has significantly interfered with or unreasonably disturbed another occupant or the Landlord; and seriously jeopardized the health or safety or lawful right of another occupant or the Landlord.

The Landlord states that through conversations with the Tenant's neighbours that he thinks that the Tenants have vacated the rental property and that it is currently occupied by the Tenant's family and friends. The Landlord states that he attended the rental unit and was told by an occupant that the Tenants are gone and that they may be back in May of 2012.

Analysis

I accept the undisputed testimony of the Landlord and find that the Tenant was properly served with the notice to end tenancy for cause dated February 14, 2012 by Canada Post Registered Mail. The Tenant failed to apply to dispute the notice and is conclusively presumed to accept that the tenancy was at an end on the effective date of the notice. Based on the above undisputed facts, I find that the Landlord is entitled to an order of possession. The Tenants/Occupants must be served with the order of possession. Should the Tenant's/Occupants 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.

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 04, 2012.

Residential Tenancy Branch