



# 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 to end the tenancy and receive an order of possession based on a one month Notice to End Tenancy for cause.

The Landlord appeared, gave affirmed testimony and was provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

The Landlord testified that the Tenant is currently residing in a medical rehabilitation facility. The Landlord served the Notice of Hearing and a copy of the Application on an adult friend of the Tenant who resides at the rental property. The Tenant's friend informed the Landlord that the Tenant had received the documents and the Tenant did not intend on returning to the rental unit after her medical recovery. The Tenant did not appear at the hearing. I find the Tenant has been served in accordance with section 89 of the Act and has been sufficiently served for the purposes of the Act under section 71.

### Issue(s) to be Decided

Is the Landlord entitled to end the tenancy and receive an order of possession?

### Background and Evidence

Based on the affirmed testimony of the Landlord, I find that the Tenant was served with a one month Notice to End Tenancy for cause on March 7, 2012. The Landlord served the Notice on an adult friend of the Tenant who resides at the rental property. I find the Tenant has been served under section 88 of the Act and has been sufficiently served for the purposes of the Act under section 71.

The Notice informed the Tenant that she had ten days to file an Application to dispute the Notice. There is no evidence the Tenant disputed the Notice.

The cause indicated in the Notice is that the rental unit must be vacated in order to comply with a government order.

The evidence indicates the Landlord has been ordered by the local municipality and by the Supreme Court of British Columbia to cease using the property as a rooming house.

Analysis

Based on the above, the 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 will end on the effective date of the Notice, that is, April 30, 2012.

Therefore, I find that the Landlord is entitled to an order of possession effective **at 1:00 p.m. April 30, 2012**. This order may be filed in the Supreme Court and enforced as an order of that Court.

This decision is final and binding on the parties, except as otherwise provided under the Act, and 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 12, 2012.

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Residential Tenancy Branch