



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPC

Introduction

The hearing was scheduled in response to the an Application for Dispute Resolution, in which the Landlord has made application for an Order of Possession for Cause.

The male Agent for the Landlord stated that copies of the Application for Dispute Resolution and Notice of Hearing were sent to the Tenant via registered mail at the rental unit on April 19, 2012. Canada Post documentation was submitted that corroborates this statement. These documents are deemed to have been served in accordance with section 89 of the *Residential Tenancy Act (Act)*, however the Tenant did not appear at the hearing.

Issue(s) to be Decided

The issue to be decided is whether the Landlord is entitled to an Order of Possession for Cause, pursuant to section 55 of the *Act*.

Background and Evidence

The male Agent for the Landlord stated that this tenancy began on July 01, 2012 and that he posted a One Month Notice to End Tenancy for Cause on the Tenant's door on March 29, 2012. The female Agent for the Landlord stated that she witnessed the posting of the Notice.

The One Month Notice to End Tenancy for Cause indicated that the Landlord was ending the tenancy because the tenant or a person permitted on the property has significantly interfered with or unreasonably disturbed another occupant or the landlord. The Notice informed the Tenant that he must vacate the rental unit by May 31, 2012.

The Notice to End Tenancy for Cause informed the Tenants that they must move out of the rental unit by the date set out on the front page of the Notice if they do not dispute the Notice within ten days of receiving it. I have no evidence that the Tenants disputed the Notice to End Tenancy.

Analysis

In the absence of evidence to the contrary, I find that a One Month Notice to End Tenancy for Cause, served pursuant to section 47 of the Act, was posted on the Tenant's door on March 29, 2012, which required him to vacate the rental unit prior by May 31, 2012.

Section 47(5) of the *Act* stipulates that tenants are conclusively presumed to have accepted that the tenancy ends on the effective date of a notice received pursuant to section 47 of the *Act* and that the tenant must vacate the rental unit by that date unless the tenant disputes the notice within ten days of receiving it. As there is no evidence that the Tenant filed an application to dispute the Notice to End Tenancy, I find that the Tenant accepted that the tenancy is ending on May 31, 2012, pursuant to section 47(5) of the *Act*. I therefore find that Landlord is entitled to an Order of Possession.

Conclusion

I grant the Landlord an Order of Possession that is effective at 1:00 p.m. on May 31, 2012. This Order may be served on the Tenant, filed with 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: May 08, 2012.

Residential Tenancy Branch