



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC and FF

Introduction

This hearing was convened on an application by the landlord on April 17, 2012 for an Order of Possession in support of a one-month Notice to End Tenancy for cause served in person on March 26, 2012.

Despite having been served with the Notice of Hearing in person on March 22, 2012, the tenant did not call in to the number provided to enable his participation in the telephone conference call hearing. Therefore, it proceeded in his absence.

Issue(s) to be Decided

This matter requires a decision on whether the landlord is entitled to an Order of Possession.

Background and Evidence

According to the landlord, this tenancy began on August 3, 2011. Rent is \$550 per month and the landlord holds a security deposit of \$275.

During the hearing, the landlord submitted into evidence a copy of an Order of the Supreme Court of British Columbia, upholding an order of the municipal government that required the number of tenants in the rental building to be reduced from eleven to four by May 1, 2012.

Analysis

Section 47(1)(k) of the *Act* empowers a landlord to issue a one-month Notice to End Tenancy when “the rental unit must be vacated to comply with an order of a federal, British Columbia, regional or municipal government authority.”

Section 47(5) of the *Act* provides that if a tenant receives a one-month Notice to End Tenancy for cause and does not make application to contest the notice within 10 days, the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice.

In the absence of such application from the tenant, I find that the landlord is entitled to an Order of Possession to take effect at 1 p.m. on April 30, 2012.

Conclusion

The landlord’s copy of this decision is accompanied by an Order of Possession, enforceable through the Supreme Court of British Columbia for service on the tenant and to take effect at 1 p.m. on April 30, 2012.

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