

## **DECISION**

Dispute Codes      OPB, MND

### Introduction

This is an application filed by the Landlord for an order of possession and a monetary order for damage to the unit.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend. The Tenant did not submit any documentary evidence. At 11 minutes after the start of the hearing, J.L.-V. called into the hearing on behalf of the Tenant and stated that he was just admitted into the hospital and is not able to attend the hearing. The Landlord disputes this stating that she just saw the Tenant. The Landlord states that the Tenant was served with the notice of hearing and evidence package in person on August 7, 2012. Based upon the undisputed testimony of the Landlord and that the Tenant's friend called into the hearing, I am satisfied that the Tenant was properly served with the notice of hearing and evidence package by the Landlord.

The Tenant's friend, J.L.-V. has made a request for an adjournment on behalf of the Tenant. The Landlord has disputed this request. I find with the Landlord's challenge that the Tenant is not unable to attend because of being in the hospital (the Landlord's statement of just seeing the Tenant) and the Tenant's friend unable provide any details of the hospitalization, the request to adjourn is denied.

During the hearing the Landlord withdrew the request for a monetary order. As such, no further action is required at this time.

### Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

### Background, Evidence and Analysis

The Landlord states that the Tenant was personally served on May 30, 2012 with the 1 month notice to end tenancy for cause dated May 30, 2012. The stated effective date of the notice is June 30, 2012.

I accept the undisputed testimony of the Landlord and find that the Tenant was properly served with the 1 month notice to end tenancy for cause in person on May 30, 2012. The Tenant did not apply for dispute resolution to dispute the notice within the 10 day period after receiving the notice. The Tenant is presumed to have accepted that the tenancy ends on the effective date of the notice on June 30, 2012. Based upon the above, the Landlord is entitled to an order of possession. The Tenant must be served with the order of possession. Should the Tenant 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: August 31, 2012.

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Residential Tenancy Branch