



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an order of possession.

Although served with the Application for Dispute Resolution and Notice of Hearing by posting to the door of the rental unit on July 2, 2012, which was witnessed, the tenant did not appear. I find that the tenant has been duly served in accordance with the Act.

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

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

Based on the testimony of the landlord, I find that the tenant was served with a notice to end tenancy for cause on July 2, 2012, by posting to the door of the rental unit. The notice explains the tenant had ten days to dispute the notice. The landlord stated July 2, 2012, was accidentally written as the effective date of the notice, however, that date is incorrect as it does not comply with the Act.

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 ended.

In this case, the effective date of the notice is July 2, 2012, which is earlier than the earliest date permitted under the Act. Section 53 of the Act states the date is automatically changed to the earliest date that complies with the Act. Therefore, I find the effective date is deemed to be August 31, 2012.

I find that the landlord is entitled to an order of possession effective **August 31, 2012, at 1:00 P.M.**

This order may be filed in the Supreme Court and enforced as an order of that Court.

I find that the landlord has established a total monetary claim of **\$50.00** for the fee paid by the landlord for this application. The landlord is granted an order under section 67 of the Act.

This order may be filed in the Provincial Court (Small Claims) and enforced as an order of that court.

Conclusion

The tenant did not file to dispute the notice to end tenancy. The tenant is presumed under the law to have accepted that the tenancy ended on the corrected effective date.

The landlord is granted an order of possession.

The landlord is granted a monetary order for the above amount.

This decision is made on authority delegated to me by the Director of the Residential

This decision is final and binding on the parties, unless 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: August 07, 2012.

Residential Tenancy Branch