



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPC FF

### Introduction

This hearing dealt with an application by the landlord for an order for possession. The landlord also requested recovery of the filing fee from the tenant. Both parties attended the hearing and had an opportunity to be heard.

### Issue(s) to be Decided

Is the landlord entitled to an order for possession?

### Background and Evidence

June 7, 2012 the landlord served the tenant with a 1 Month Notice to End Tenancy for Cause. The tenant did not dispute the Notice. The tenant has not yet vacated the rental unit.

### Analysis

Section 47 (4) and (5) of the Act provide as follows:

#### ***Landlord's Notice: Cause***

.....

*47 (4) A tenant may dispute a notice under this section by making an application for dispute resolution within 10 days after the date the tenant receives the notice.*

*(5) If a tenant who has received a notice under this section does not make an application for dispute resolution in accordance with subsection (4), the tenant*

*(a) is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, and*

*(b) must vacate the rental unit by that date.*

In the present case, the tenant did not dispute the Notice and as a result is conclusively presumed to have accepted that the tenancy ended on July 31, 2012 – the effective date of the Notice. As a result, the landlord is entitled to an order for possession.

### Conclusion

I find that the landlord is entitled to an order of possession effective two days from the date of service. This order may be filed in the Supreme Court and enforced as an order of that Court.

I order that the tenant pay to the landlord the sum of \$50.00 representing the fee paid by the landlord for this application.

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*.