



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC

Introduction

This hearing dealt with an application by the landlord for an order of possession. The landlord testified that he personally served the tenant with the application for dispute resolution and notice of hearing on September 7. I found that the tenant had notice of the claim and the hearing proceeded in his absence.

Issue to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The landlord's undisputed evidence is that on July 5, the tenant was personally served with a one month notice to end tenancy for cause.

Analysis

Section 47(5) of the Act provides that if a tenant does not dispute a one month notice to end tenancy for cause within 10 days of the date of receipt, he is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice.

I find that the tenant received the notice to end tenancy on July 5 and that he failed to dispute the notice and is therefore conclusively presumed to have accepted the end of his tenancy. I find that the landlord is entitled to an order of possession and I grant him a formal order that may be filed in the Supreme Court for enforcement.

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: October 04, 2012

Residential Tenancy Branch