

DECISION

Dispute Codes ET

Introduction

This is an application filed by the Landlord for an order for an early end to the Tenancy and to obtain an order of possession.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend and did not submit any documentary evidence. The Landlord states that the Tenant was served with the notice of hearing and evidence package by Canada Post Registered Mail on November 7, 2012 and has provided the Customer Tracking number as confirmation. As such, I am satisfied that both parties have been properly served.

Issue(s) to be Decided

Is the Landlord entitled to an order for an early end to the tenancy?

Background, Evidence and Analysis

This Tenancy began on January 1, 2010 on a month to month basis as shown by the submitted copy of the signed tenancy agreement.

The Landlord states that the Tenant was served with a 1 month notice to end tenancy issued for cause dated September 20, 2012 on the same date by Canada Post Registered Mail. The Landlord has submitted a copy of the Customer Tracking Receipt as confirmation (RW727460058CA). The notice states an effective date of November 1, 2012. The reasons for cause are:

- Tenant or a person permitted on the property by the Tenant has
seriously jeopardized the health or safety or lawful right of another occupant or the Landlord.
Put the Landlord's property at significant risk.
- Tenant has caused extraordinary damage to the unit/site or property/park.
- Rental unit/site must be vacated to comply with a government order.

The Landlord states that a letter was received from the City of Nanaimo, dated September 12, 2012 regarding a bylaw infraction requiring the unauthorized secondary

suite to be in compliance. The Landlord has submitted a copy of a letter dated November 2, 2012 requiring it to be unoccupied.

I accept the undisputed testimony of the Landlord and find that the Tenant was served with the notice to end tenancy dated September 20, 2012. Based upon the undisputed evidence provided by the Landlord, I am satisfied that the Tenant upon being served failed to make an application within the allowed 10 day timeframe. The Tenant is presumed to accept this notice and must move out of the rental unit. The Landlord is entitled based upon the above facts to an early end to the Tenancy and to obtain an order of possession. The order of possession must be served upon the Tenant. 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's application for an early end to the tenancy is granted.
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: November 20, 2012.

Residential Tenancy Branch