



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC

### Introduction

This hearing dealt with the landlord's application for an Order of Possession for cause. The tenant did not appear at the hearing. The landlord testified that the hearing documents were served upon the tenant in person on October 10, 2012. I was satisfied the tenant was sufficiently served with notice of this proceeding and I continued to hear from the landlord without the tenant present.

### Issue(s) to be Decided

Is the landlord entitled to an Order of Possession for cause?

### Background and Evidence

The tenancy commenced September 1, 2009 and the tenant is required to pay subsidized rent of \$320.0 on the 1<sup>st</sup> day of every month. On September 25, 2012 the landlord posted a 1 Month Notice to End tenancy for Cause (the Notice) on the door of the rental unit. The Notice has a stated effective date of October 31, 2012.

While the landlord provided a number of documents in support of the reasons for issuing a Notice to End Tenancy, the landlord had not provided a copy of the Notice itself. During the hearing I asked the landlord to describe the content of the Notice and I asked that it be faxed to me during the hearing. The Notice was immediately faxed to the Residential Tenancy Office by the landlord and I confirmed the content was as described by the landlord's verbally.

The tenant did not file an Application for Dispute Resolution to dispute the Notice. The landlord stated the tenant has not paid any monies for November 2012 and continues to reside in the rental unit. The landlord requested an Order of Possession effective November 15, 2012.

### Analysis

When a tenant receives a 1 Month Notice the tenant has 10 days to file an Application for Dispute Resolution to dispute the Notice. If a tenant does not file to dispute the Notice section 47(5) of the Act provides that the tenant is conclusively presumed to have accepted the tenancy will end and must vacate the rental unit by the effective date of the Notice.

I am satisfied the tenant was served with a 1 Month Notice, in the approved form, as declared by the landlord. Since the tenant did not file to dispute the Notice I find the tenancy ended on the effective date of October 31, 2012 and the landlord is entitled to regain possession of the rental unit. Provided with this decision is an Order of Possession effective November 15, 2012 as requested by the landlord.

### Conclusion

The tenancy has ended and the landlord is provided an Order of Possession effective November 15, 2012 as requested.

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 07, 2012.

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Residential Tenancy Branch