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 she served the tenant with the application for dispute resolution and notice of hearing by sending it via registered mail sent to the rental unit on January 30, 2013. The landlord testified that on February 22, the letter was returned to her marked unclaimed, although it had been opened and taped shut again. Because the tenant was living at the rental unit at the time the letter was sent and because the tenant cannot avoid service by not claiming her mail, I found that the tenant was served in accordance with the Act and the hearing proceeded in her absence.

Issue to be Decided

Is the landlord entitled to an order of possession as claimed?

Background and Evidence

The landlord's undisputed evidence is as follows. On January 8, 2013, the tenant was personally served with a one month notice to end tenancy for cause. The landlords personally served on the tenant a second one month notice to end tenancy on January 19, 2013, alleging different grounds for ending the tenancy.

Analysis

I accept the landlord's undisputed testimony and I find that the tenant received 2 notices to end tenancy, the first on January 8 and the second on January 19, 2013. As the tenant did not dispute the notices, section 47(5) provides that she is conclusively presumed to have accepted that the tenancy ends on the effective date of the notices.

I find that the landlord is entitled to an order of possession effective on February 28, 2013 and I enclose a formal order herewith.

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: February 25, 2013

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Residential Tenancy Branch