



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC

### Introduction

This hearing was convened by way of conference call in repose to the landlords' application for an Order of Possession for cause.

Service of the hearing documents, by the landlords to the tenant, was done in accordance with section 89 of the *Act*, sent via registered mail on February 15, 2013. Mail receipt numbers were provided by the landlords' in verbal testimony. The tenant was deemed to be served the hearing documents on the fifth day after they were mailed as per section 90(a) of the *Act*.

The landlords appeared, gave sworn testimony, were provided the opportunity to present evidence orally, in writing, and in documentary form. There was no appearance for the tenant, despite being served notice of this hearing in accordance with the *Residential Tenancy Act*. All of the testimony and documentary evidence was carefully considered.

### Issue(s) to be Decided

Are the landlords entitled to an Order of Possession for cause?

Background and Evidence

The landlords testify that this month to month tenancy started on September 01, 2011. Rent for this unit is \$650.00 per month and is due on the first day of each month.

The landlords testify that the tenant was served a One Month Notice to End Tenancy on January 29, 2013 in person. This Notice has an effective date of February 28, 2013 and gave the following reasons to end the tenancy:

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- 1) The tenant is repeatedly late paying rent.
- 2) The tenant or a person permitted on the residential property by the tenant has
  - (i) Significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property,
- 3) The tenant or a person permitted on the residential property by the tenant has engaged in illegal activity that has
  - (ii) Has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the residential property,
- 4) The tenant has breached a material term of the tenancy agreement which was not corrected within a reasonable time after written notice to do so.
- 5) The rental unit must be vacated to comply with a government order.

As the tenant has not disputed the One Month Notice to End Tenancy the tenant has therefore accepted that the tenancy must end. The landlord therefore seeks an Order of Possession to take effect as soon as possible.

### Analysis

The tenant did not appear at the hearing to dispute the landlords claims, despite having been given a Notice of the hearing; therefore, in the absence of any evidence from the tenant, I have carefully considered the landlords documentary evidence and sworn testimony before me.

When a tenant is served with a One Month Notice to End Tenancy the tenant is provided with information on page two of that Notice about how the tenant can dispute the Notice by filing an application for Dispute Resolution. The landlord has provided a copy of this Notice served upon the tenant on January 29, 2013. The tenant has not disputed the One Month Notice within the 10 allowable days as indicated on page two of the Notice.

Consequently, as the tenant did not file an application to dispute the Notice the tenant is presumed to have accepted the end of the tenancy pursuant to s. 47 (5) of the *Act* and the landlords are therefore entitled to an Order of Possession pursuant to s. 55 of the *Act*.

As the Notice has an effective date of February 28, 2013 and the landlord may not receive this decision and order before that date, I have made the Order of Possession effective for two days after service.

### Conclusion

I HEREBY ISSUE an Order of Possession in favour of the landlords effective **two days after service** on the tenant. This order must be served on the Respondent and may be filed in the Supreme Court and enforced as an order of that Court.

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

