



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding REMI Realty Inc.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPC

Introduction

This hearing was scheduled in response to the landlord's application for an order of possession for cause. The landlord's agent attended and gave affirmed testimony.

Despite service of the application for dispute resolution and notice of hearing (the "hearing package") by way of registered mail, the tenant did not appear. Evidence submitted by the landlord's agent includes the Canada Post tracking number for the registered mail.

Issue(s) to be Decided

Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

The unit which is the subject of this application is a room located within a house. The landlord's agent testified that there are 4 rooms, within each of which it is understood that 2 tenants have resided. The rooms are not designated in any way by, for example, numbers or letters. Simply, the address of the house is used for mail sent to residents. The landlord's agent testified that his agency assumed management responsibility for the house in February of 2013.

There is no evidence of a written tenancy agreement, and the particulars related to when tenancy began, the amount of rent, whether or not a security deposit was collected, and even whether this tenant continues to presently reside in the unit, are unknown.

The landlord issued a 1 month notice to end tenancy for cause dated February 21, 2013, a copy of which was submitted in evidence. The notice was served by registered

mail, and evidence includes the Canada Post tracking number for the registered mail. The date shown on the notice by when the tenant must vacate the unit is March 30, 2013, and the reason identified on the notice in support of its issuance is as follows:

Rental unit / site must be vacated to comply with a government order.

There is no evidence that the tenant filed an application to dispute the notice and, as previously noted, it is unknown whether the tenant presently still lives in the unit.

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord's agent, I find that the tenant was served with a 1 month notice to end tenancy for cause dated February 21, 2013. The tenant did not apply to dispute the notice within the 10 day period available to him for doing so. The tenant is therefore conclusively presumed under section 47(5) of the Act to have accepted that the tenancy ended on the effective date of the notice. Accordingly, I find that the landlord has established entitlement to an **order of possession**.

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **two (2) days** after service on the tenant. This order must be served on 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.

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: April 16, 2013

Residential Tenancy Branch