



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Capital Properties
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC, FF

Introduction

This was a hearing with respect to the landlord's application for an order for possession. The hearing was conducted by conference call. The landlord's representative called in and participated in the hearing. The tenant did not attend, although she was personally served with the application and Notice of Hearing on March 22, 2013.

Issue(s) to be Decided

Is the landlord entitled to an order for possession pursuant to a one month Notice to End Tenancy for cause?

Background and Evidence

The tenancy began in January 2011. The monthly rent is \$650.00. The tenant paid a \$325.00 security deposit at the start of the tenancy. The landlord's representative testified that the tenant has been repeatedly late paying rent on eight occasions in 2012. The tenant also did not have electrical utilities for seven months and plugged an extension cord into a hallway to supply electricity to the rental unit. On January 24, 2013 the landlord personally served the tenant with a one month Notice to End Tenancy for cause dated January 24, 2013.

The Notice to End Tenancy required the tenant to move out by February 28, 2013. The tenant did not apply to dispute the Notice to End Tenancy and she has not moved out of the rental unit.

Analysis

Section 47 of the Act provides that upon receipt of a Notice to End Tenancy cause the tenant may, within ten days dispute the notice by filing an Application for Dispute

Resolution with the Residential Tenancy Branch. If the tenant does not dispute the Notice, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice.

Conclusion

Order of Possession - Based on the above background, evidence and analysis I find that the landlord is entitled to an order of possession effective two days after service on the tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

The landlord is entitled to recover the \$50.00 filing fee for this application and may deduct the said sum from the security deposit that it holds.

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 18, 2013

Residential Tenancy Branch

