



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC

Introduction

This was the hearing of the landlords' application for an order for possession pursuant to a one month Notice to End Tenancy for cause. The hearing was conducted by conference call. The landlord attended with her son. The named tenant called into the hearing. The landlord testified that she served the tenants by posting the application for dispute resolution and Notice of Hearing to the door of the rental unit. The tenant acknowledged that she received the application and Notice of Hearing.

Issue(s) to be Decided

Are the landlords entitled to an order for possession?

Background and Evidence

The rental unit is a suite in the landlords' house in Abbotsford. The tenancy began on July 31, 2012 for a one year term and thereafter month to month. Rent is \$1,100.00 per month plus part of the utilities.

The landlords served the tenants with a one month Notice to End Tenancy for cause on February 23, 2013. The tenant was personally served with the Notice to End Tenancy. At the hearing the tenant acknowledged receiving the Notice to End Tenancy. She said that she did not file an application to dispute the Notice to End Tenancy because she knew that the landlord had made an application for dispute resolution and intended to discuss the matter at the hearing. The Notice to End Tenancy alleged that the tenants have significantly interfered with or unreasonably disturbed another occupant or the landlord and that they have seriously jeopardized the health or safety or lawful right of another occupant or the landlord. The Notice to End Tenancy required the tenants to move out of the rental unit by March 31, 2013.

Analysis

Sections 47 (4) and (5) of the *Residential Tenancy Act* provide that upon receipt of a Notice to End Tenancy for cause the tenant may, within 10 days dispute the notice by filing an Application for Dispute Resolution with the Residential Tenancy Branch. If, as in the present case, the tenants do not dispute the Notice, the tenants are 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.

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 03, 2013

Residential Tenancy Branch

