



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Hume Investments Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

OPC

Introduction

This hearing was convened in response to an Application for Dispute Resolution, in which the Landlord applied for an Order of Possession.

The female Agent for the Landlord stated that she personally served the Tenant with copies of the Application for Dispute Resolution and the Notice of Hearing on April 10, 2013. The male Agent for the Landlord stated that he witnessed the service of the Application for Dispute Resolution and Notice of Hearing on April 10, 2013. I find that these documents have been served in accordance with section 89 of the *Residential Tenancy Act (Act)*, however the Tenant did not appear at the hearing.

Issue(s) to be Decided

Is the Landlord is entitled to an Order of Possession?

Background and Evidence

The female Agent for the Landlord stated that this tenancy began on September 01, 2012 and that rent is due by the first day of each month. She stated that she personally served the Tenant with a One Month Notice to End Tenancy for Cause on March 09, 2013. The male Agent for the Landlord stated that he witnessed the service of the Notice to End Tenancy on March 09, 2013.

The One Month Notice to End Tenancy for Cause declared that the Landlord was ending the tenancy because the tenant had breached a material term of the tenancy agreement which was not corrected within a reasonable time after written notice to do so. The Notice declared that the Tenant must vacate the rental unit by April 30, 2013.

The Notice to End Tenancy for Cause informed the Tenant that she must move out of the rental unit by the date set out on the front page of the Notice if she does not dispute the Notice within ten days of receiving it. I have no evidence that the Tenant disputed the Notice to End Tenancy.

Analysis

On the basis of the evidence presented by the Landlord and in the absence of evidence to the contrary, I find that on March 09, 2013 the Tenant was personally served with a One Month Notice to End Tenancy for Cause, served pursuant to section 47 of the *Act*, which requires her to vacate the rental unit by April 30, 2013.

Section 47(5) of the *Act* stipulates that tenants are conclusively presumed to have accepted that the tenancy ends on the effective date of a notice received pursuant to section 47 of the *Act* and that the tenants must vacate the rental unit by that date unless the tenants dispute the notice within ten days of receiving it. As there is no evidence that the Tenant filed an application to dispute the Notice to End Tenancy, I find that the Tenant accepted that the tenancy is ending on April 30, 2013, pursuant to section 47(5) of the *Act*. I therefore find that the Landlord is entitled to an Order of Possession for that date.

Conclusion

I grant the Landlord an Order of Possession that is effective at 1:00 p.m. on April 30, 2013. This Order may be served on the Tenant, filed with 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 25, 2013

Residential Tenancy Branch