



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, FF

Introduction

This hearing dealt with a landlord's Application for an Order of Possession for cause. The tenants did not appear at the hearing. The landlord affirmed that he personally served each tenant with the hearing documents, in person, at the rental unit within three days of making this Application. I was satisfied that the tenants had been sufficiently served with notification of this proceeding and I continued to hear from the landlord without the tenants present.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession for cause?

Background and Evidence

The landlord testified that the tenants are required to pay rent on the 1st day of every month; however, he has accepted half of the monthly rent in semi-monthly instalments. The landlord testified that he personally served the male tenant with a 1 Month Notice to End Tenancy for Cause on April 19, 2013 (the Notice). The Notice has a stated effective date of May 31, 2013 and the tenants did not file to dispute the Notice.

I was provided a copy of the 1 Month Notice as evidence for this proceeding.

Analysis

Upon receiving a 1 Month Notice a tenant has 10 days to file an Application for Dispute Resolution to dispute the Notice. If the tenant does not file to dispute the Notice then, pursuant to section 47 of the Act, the tenant is conclusively presumed to have accepted the tenancy will end and the tenant must vacate the rental unit by the effective date.

I accept the undisputed testimony that the Notice was given to the male tenant on April 19, 2013. Such service meets the requirements of section 88 of the Act

Since the tenants did not file to dispute the Notice with 10 days of receiving the Notice, or at any time, I find the tenants are now conclusively presumed to have accepted the end of tenancy effective May 31, 2013. Therefore, I find the landlord entitled to regain possession of the rental unit on that date.

Given the date of this decision, I provide the landlord with an Order of Possession effective two (2) days after service upon the tenants.

Conclusion

The tenancy ends on May 31, 2013 and the landlord has been provided an Order of Possession effective two (2) days after service upon the tenants given the date of this decision.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Manufactured Home Park Tenancy Act*.

Dated: May 30, 2013

Residential Tenancy Branch