



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Kamloops and District Elizabeth Fry Society
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC

Introduction

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for an Order of Possession based on a Notice to End Tenancy that was given for cause.

Background and Evidence

On March 22, 2013 the landlords posted a one-month Notice to End Tenancy on the tenant's door.

The tenant has filed no dispute of the Notice to End Tenancy, claiming that he believed the landlord was filing the dispute on his behalf because he could not afford the application fee.

The landlord testified that she did inform the tenant that she was filing for dispute resolution, but never stated it was on his behalf and in fact informed him that if he could not afford the application fee he could apply to have that fee waived.

Analysis

If the tenant receives a one-month Notice to End Tenancy for cause, the tenant has 10 days in which to file a dispute of that notice, however if the tenant fails to file a dispute of the notice within that time period, the tenant is conclusively deemed to have accepted the end of the tenancy.

In this case the tenant claims that the landlord was going of file on his behalf, however I find that very unlikely, when the landlord wanted to end the tenancy.

In this case therefore it's my finding that the tenant did not file a dispute of the notice within the required time period and therefore the landlord does have the right to an Order of Possession.

Conclusion

I have issued an Order of Possession to the landlords for 1:00 PM on May 31, 2013.

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: May 06, 2013

Residential Tenancy Branch