



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPC

Introduction

This hearing concerns the landlord's application for an order of possession. Both parties attended and gave affirmed testimony.

Issue(s) to be Decided

Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

The subject unit is the upper level of a house which the tenant shares with another renter. There is no written tenancy agreement in evidence for the tenancy which began with this tenant on December 1, 2012. This tenant's monthly rent is \$500.00, and a security deposit of \$250.00 was collected.

Pursuant to section 47 of the Act which addresses **Landlord's notice: cause**, the landlord issued a 1 month notice to end tenancy dated May 29, 2013. The notice was served by way of posting on the tenant's door on that same date. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenant must vacate the unit is June 30, 2013. The reason shown on the notice in support of its issuance is as follows:

Tenant or a person permitted on the property by the tenant has:

- significantly interfered with or unreasonably disturbed another occupant or the landlord

Subsequently, the tenant has not filed an application to dispute the notice, and he continues to reside in the unit.

The landlord testified that after serving the 1 month notice on the tenant, he has not paid rent for either June or July.

During the hearing the tenant acknowledged that he received the 1 month notice on May 29, 2013, that he has not filed an application to dispute it, and that it is his intention to vacate the unit. Finally, the tenant claimed that he intends to pay all overdue rent.

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca

Based on the documentary evidence and testimony of the parties, I find that the tenant was served with a 1 month notice to end tenancy for unpaid rent dated May 29, 2013. The tenant did not file an application to dispute the notice within 10 days after receiving it. The tenant is therefore conclusively presumed under section 47(5) of the Act to have accepted that the tenancy ended on the effective date of the notice. Accordingly, I find that the landlord has established entitlement to an **order of possession**.

As to the disposition of the security deposit, the attention of the parties is drawn to section 38 of the Act which addresses **Return of security deposit and pet damage deposit**.

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **two (2) days** after service on the tenant. This order must be served on the tenant. Should the tenant fail to comply with the order, the order may be filed in 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: July 26, 2013

Residential Tenancy Branch