



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CONNAUGHT HEIGHTS PENTECOSTAL VILLA
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPC, MNR, FF

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession pursuant to a notice to end tenancy and for a monetary order for unpaid rent and for the recovery of the filing fee.

The notice of hearing was served on the tenant on July 10, 2013 by posting the notice on the tenant's front door. The landlord also met with the tenant to inform him of this hearing. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

At the start of the hearing, the landlord withdrew the portion of his application for a monetary order. Accordingly this hearing only dealt with the landlord's application for an order of possession.

Issues to be decided

Is the landlord entitled to an order of possession?

Background and Evidence

The landlord testified that the tenancy started in September 2010. The monthly rent at the start of tenancy was \$432.00 payable on the first of each month.

The landlord testified that on May 06, 2013, he served the tenant with a notice to end tenancy for cause. The tenant disputed the notice and a hearing was set for May 30, 2013. Shortly after, the tenant called the Residential Tenancy Branch Office and cancelled the hearing. He informed the landlord that he was moving out.

As of July 09, 2013, the tenant has not yet moved out. The landlord stated that the tenant has also not paid rent and the tenancy has not been reinstated. The landlord has applied for an order of possession effective two days after service on the tenant.

Analysis

Based on the undisputed testimony and documentary evidence of the landlord, I find that the tenant received the notice to end tenancy, on May 06, 2013 and did not pursue his application, pursuant to Section 47 to set aside the notice to end a residential tenancy, and the time to do so has expired.

In these situations, the *Residential Tenancy Act* provides that the tenant has been deemed to have accepted the end of the tenancy on the date set out in the Notice. Pursuant to section 55(2) I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant.

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: August 16, 2013

Residential Tenancy Branch

