



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNC

Introduction

This hearing was scheduled in response to the Tenant's Application for Dispute Resolution, in which the Tenant applied to set aside a Notice to End Tenancy for Cause.

Both parties were represented at the start of the hearing. They were provided with the opportunity to submit documentary evidence prior to this hearing, to present relevant oral evidence, to ask relevant questions, and to make relevant submissions.

The Agent for the Landlord disconnected from the hearing approximately fifteen minutes after the hearing commenced. The hearing was suspended for a brief period to provide the Agent for the Landlord with the opportunity to dial back into the teleconference.

Issue(s) to be Decided

Should the Notice to End Tenancy for Cause, served pursuant to section 47 of the *Residential Tenancy Act (Act)*, be set aside?

Background and Evidence

The Landlord and the Tenant agree that this tenancy began on March 09, 2011 and that the Tenant is obligated to pay monthly rent of \$450.00 by the first day of each month.

The Landlord and the Tenant agree that a One Month Notice to End Tenancy for Cause was personally served to the Tenant on May 17, 2013, which declared that the Tenant must vacate the rental unit by July 01, 2013. The Tenant filed this Application for Dispute Resolution on June 05, 2013.

Analysis

On the basis of the undisputed evidence, I find that the Tenant received a One Month Notice to End Tenancy for Cause on May 17, 2013, which declared that he must vacate by July 01, 2013.

Section 47(5) of the *Residential Tenancy Act (Act)* stipulates that a tenant is 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 tenant disputes the notice within ten days of receiving it. As the Tenant received the Notice to End Tenancy on May 17, 2013 and he did not dispute it until June 05, 2013, I find that he did not dispute the Notice within the ten day time period. I therefore find that he is conclusively presumed to accept that the tenancy ended on July 01, 2013, pursuant to section 47(5) of the *Act*. As the Tenant is conclusively presumed to accept that the tenancy has ended, I dismiss the application to set aside the Notice to End Tenancy.

Conclusion

I hereby grant the Landlord an Order of Possession, as requested by the Landlord at the hearing, which will be effective two days after it is served upon 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: July 03, 2013

Residential Tenancy Branch