



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

OPC

Introduction

This was the hearing of an application by the landlord for an Order of Possession. The hearing was conducted by conference call. The landlord's agent testified they served the tenant with the application for Dispute Resolution and Notice of hearing by personal service and by registered mail on August 07, 2013. The tenant did not call into the conference call proceedings and did not participate in the hearing. The landlord testified that the tenant still resides in the rental unit. The landlord was permitted to advance their claim.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

The undisputed testimony of the landlord is that on July 01, 2013 the tenant was personally served with a One month Notice to End Tenancy for Cause. The tenant has not / did not file an application to dispute the Notice to End Tenancy within the 10 days permitted to do so under the Act.

The landlord provided a copy of the Notice to End dated July 01, 2013 with an *automatically adjusted* effective date of August 31, 2013.

Analysis

Section 47 of the Act provides that if a tenant does not apply to dispute a one Month Notice to End Tenancy for Cause within 10 days after receiving it, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of

the Notice and **must** vacate the rental unit by that date. The Notice to End Tenancy required the tenant to vacate the rental unit by July 31, 2013. The earliest date the Notice is legally effective to end the tenancy is August 31, 2013. Pursuant to section 53 of the *Residential Tenancy Act* the effective date of the Notice is automatically changed to that date.

The tenant was served with the Notice to End and they have not disputed it. As a result, I find that the landlord is entitled to an **Order of Possession** effective August 31, 2013.

Conclusion

I grant an Order of Possession to the landlord **effective August 31, 2013**. The tenant must be served with this **Order of Possession**. 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 final and binding on both parties.

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 21, 2013

Residential Tenancy Branch