



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BC HOUSING MANAGEMENT COMMISSION
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPE

Introduction

The landlord has applied for dispute resolution of a dispute in the tenancy at the above noted address, and requests an Order of Possession, based upon an undisputed one month Notice to End Tenancy. The tenant did not attend the hearing, although properly served with the application by way of registered mail (as well as by posting).

Issues to Be Decided

- Is the landlord entitled to an Order of Possession?

Background and Evidence

This tenancy began in or about January, 2011. On May 1, 2013, the tenant was personally served a one month Notice To End Tenancy, effective to end the tenancy on June 30, 2013. No dispute of the notice was ever filed, and no rent has been paid since the notice was served.

The tenant has failed to vacate the premises.

Analysis

Section 47(5) of the Residential Tenancy Act, provides that when a tenant does not make application to dispute a notice to end the tenancy for cause within the time required, the tenant is conclusively deemed to have accepted that the tenancy ends on the effective date of the notice. Accordingly on this basis, and pursuant to the landlord's agreement, I find the tenancy ended June 30, 2013. As that date has passed, the landlord has established a right to possession. I issue such Order, effective within 48 hours of service of the order upon the tenant.

Conclusion

Pursuant to Section 55(2)(b) of the Residential Tenancy Act, I issue an Order of Possession effective 48 hours following service upon the tenant. Should the tenant fail

to comply with this Order, upon being served with it, the landlord may register the Order with the Supreme Court for enforcement.

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: October 07, 2013

Residential Tenancy Branch