



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Metro Vancouver Housing Corporation
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC, FF

Introduction

This hearing dealt with the landlord's application for dispute resolution under the Residential Tenancy Act (the "Act") seeking an order of possession for the rental unit due to alleged cause and for recovery of the filing fee.

The landlord's agent (hereafter "landlord") appeared; the tenant did not appear.

The landlord supplied evidence that they served the tenant with their Application for Dispute Resolution and Notice of Hearing by registered mail to the tenant's home address on September 6, 2013. The landlord supplied the tracking number and testified that she viewed the online results of the registered mail, and stated that the tenant signed for the mail.

I find the tenant was served notice of this hearing in a manner complying with section 89 of the Residential Tenancy Act and the hearing proceeded in the tenant's absence.

The landlord was provided the opportunity to present her evidence orally and to refer to relevant documentary evidence submitted prior to the hearing.

I have reviewed all oral and written evidence before me that met the requirements of the Dispute Resolution Rules of Procedure (Rules); however, I refer to only the relevant evidence regarding the facts and issues in this decision.

Issue(s) to be Decided

Is the landlord entitled to an order of possession for the rental unit due to alleged cause and to recover the filing fee?

Background and Evidence

The landlord submitted evidence that this tenancy began on June 1, 2007, and the monthly rent obligation for the tenant is \$450.

The landlord submitted evidence that they served the tenant with a 1 Month Notice to End Tenancy for Cause on August 23, 2013, by attaching it to the tenant's door, listing an effective end of tenancy of September 30, 2013.

The landlord confirmed that the tenant received the Notice as she brought the Notice back to the landlord's office.

The Notice explained that the tenant had ten (10) days to file an application for dispute resolution at the Residential Tenancy Branch ("RTB") in dispute of the Notice. It also explains that if the tenant did not file an application to dispute the Notice within ten days, then the tenant is conclusively presumed to have accepted the end of the tenancy and must vacate the rental unit by the effective date of the Notice.

I have no evidence before me that the tenant filed an application to dispute the Notice.

Analysis

Based on the oral and written evidence and on a balance of probabilities, the following findings are made:

I find the tenant was served a 1 Month Notice to End Tenancy for Cause, did not apply to dispute the Notice within ten days of service and 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.

I therefore find that the landlord is entitled to an order of possession for the rental unit effective two days after service of the order upon the tenant.

I find the landlord is entitled to recovery of the filing fee of \$50.

Conclusion

I grant the landlord a final, legally binding order of possession for the rental unit, which is enclosed with the landlord's Decision. Should the tenant fail to vacate the rental unit pursuant to the terms of the order *after it is served upon her*, this order may be filed in

the Supreme Court of British Columbia for enforcement as an order of that Court. The tenant is advised that costs of such enforcement are subject to recovery from 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* and is being mailed to both the applicant and the respondent.

Dated: October 16, 2013

Residential Tenancy Branch

