Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *OPC*

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Does the landlord have cause to end the tenancy?

Background and Evidence

The tenancy started on June 08, 2011. The monthly rent is $375.00 due in advance on the first day of each month.

On August 14, 2013, the landlord served the tenant with a one month notice to end tenancy for cause with an effective date of September 30, 2013. The tenant agreed that he had received the two page notice but did not make application to dispute the notice.

Since the tenant did not move out on effective date of the notice, the landlord applied for an order of possession. The landlord stated that rent was not accepted for the months of September, October and November 2013.

Analysis

Based on the testimony of both parties, I find that the tenant did not dispute the notice to end tenancy. Pursuant to section 47 (5) of the *Residential Tenancy Act,* if a tenant has received a notice to end tenancy for cause and does not make an application for dispute resolution within ten days after receiving the notice, the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice and must vacate the rental unit by that date.

Therefore, the landlord is entitled to an order of possession and 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: November 14, 2013

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Residential Tenancy Branch