



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

OPC, FF

Introduction

This was the hearing of an application by the landlord for an Order of Possession pursuant to an undisputed 1 Month Notice to End Tenancy for Cause and to recover the filing fee. The hearing was conducted by conference call. I accept that although the tenant was served with the application for dispute resolution and Notice of hearing by attaching it on the tenant's door on November 06, 2013 the tenant did not call into the conference and therefore did not participate in the hearing. The landlord testified that the tenant still resides in the rental unit.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

On October 23, 2013 the tenant was served with a 1 Month Notice to End Tenancy for Cause, by posting it on their door. The tenant has not / did not file an application to dispute the Notice to End Tenancy. The landlord testified that the tenant has not indicated whether or not they are complying with the Notice to End, but there is minor indication they plan to do so by the effective date of the Notice.

Analysis

Section 47 of the Act provides that if a tenant does not apply to dispute a 1 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 requires the tenant to vacate the rental unit by November 30, 2013.

The tenant was served with the Notice to End and they have not disputed it. I find that the landlord is entitled to an **Order of Possession**. As the tenant has not specifically expressed they will not comply with the Notice, I decline to grant the landlord recovery of the filing fee.

Conclusion

I grant an Order of Possession to the landlord **effective November 30, 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: November 14, 2013

Residential Tenancy Branch

