



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, FF

Introduction

This was a hearing with respect to the landlords' application for an order for possession pursuant to a one month Notice to End Tenancy for cause. The hearing was conducted by conference call. The named landlord and the tenant called in and participated in the hearing.

Issue(s) to be Decided

Is the landlord entitled to an order for possession pursuant to the one month Notice to End Tenancy dated October 15, 2013?

Background and Evidence

The rental unit is a basement suite in the landlords' house in Whistler. The tenancy began on September 1, 2013 for a one year term with rent in the amount of \$950.00 due on the first of each month. The tenant paid a \$475.00 security deposit on September 1, 2013.

On October 15, 2013 the tenant was personally served with a one month Notice to End Tenancy for cause. The Notice required the tenant to move out of the rental unit by November 30, 2013. The cause alleged was that the tenant had significantly interfered with or unreasonably disturbed another occupant or the landlord and that the tenant has seriously jeopardised the health or safety or lawful right of another occupant or the landlord.

The tenant submitted a typed statement and a medical document. It was received by the Residential Tenancy Branch on December 2, 2013. The tenant did not give the landlords a copy of the documents that were delivered to the Residential Tenancy

Branch. The tenant did not file an application for dispute resolution to dispute the one month Notice to End Tenancy for cause that was served upon her on October 15, 2013.

Analysis

Section 47 of the *Residential Tenancy Act* provides that upon receipt of a Notice to End Tenancy for non-payment of rent the tenant may, within 10 days, dispute the Notice to End Tenancy by filing an Application for Dispute Resolution with the Residential Tenancy Branch. If, as in the present case, the tenant does not apply to dispute the Notice, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice, which was November 30, 2013. I find, therefore, that the tenancy has ended effective November 30th and the landlords are entitled to an order for possession.

Conclusion

Order of Possession - Based on the above background, evidence and analysis I find that the landlords are entitled to an order of possession effective two days after service on the tenant. This order may be filed in the Supreme Court and enforced as an order of that Court. The landlords are entitled to recover the \$50.00 filing fee for this application, they may retain the sum of \$50.00 from the security deposit that they hold.

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: December 11, 2013

Residential Tenancy Branch

