



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, MND, MNSD, MNDC, FF

Introduction

The landlord applies for an order of possession pursuant to a one month Notice to End Tenancy served, both parties agree, on September 30, 2013.

The landlord also seeks damages for repair, however, after discussion it was agreed that those items should be pursued after the tenant leaves the rental unit..

There is no dispute about the facts. The tenant says he has not found another place to live because he has difficulty dealing with such things. He says he has rheumatoid arthritis and has no other place to go.

Section 47 of the *Residential Tenancy Act* provides that if a landlord serves a one month Notice and if the tenant fails to apply to cancel it, the tenant is “conclusively presumed” to have accepted the end of the tenancy set out in the Notice; October 31, 2013 in this case. Accordingly, I find that this tenancy ended October 31, 2013.

I grant the landlord an order of possession effective at one o'clock in the afternoon of January 10, 2014. I authorize the landlord to recover the \$50.00 filing fee for this application from the security deposit it holds. The remainder of the landlord's application is dismissed with leave to re-apply.

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: January 03, 2014

Residential Tenancy Branch

