



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Sanford Housing Society
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC

Introduction

This is an application filed by the Landlord for an order of possession as a result of a 1 month notice to end tenancy issued for cause.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend or submit any documentary evidence. The Landlord stated that the Tenant was served with the notice of hearing package and the submitted documentary evidence by Canada Post Registered Mail on February 7, 2014 and has provided a copy of the Customer Receipt as confirmation.

At 10:35 am, the Landlord's Agent stated that the Tenant was attempting to call into the conference call hearing to participate. As such, the hearing was suspended awaiting the call in by the Tenant. At 10:41 am with no call in by the Tenant, the hearing proceeded in her absence.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Background and Evidence

This tenancy began on July 1, 2013 on a fixed term tenancy ending on November 30, 2013 and then thereafter on a month to month basis as shown by the submitted copy of the signed tenancy agreement. The monthly rent is \$1,200.00 payable on the 1st of each month and a security deposit of \$300.00 was paid.

The Landlord states that the Tenant was served with the 1 month notice to end tenancy issued for cause dated December 31, 2013 with stated effective end of tenancy date of January 31, 2014. The notice was served in person by the Landlord's Agent to the Tenant on December 31, 2013.

The notice states two reasons for cause.

- 1) Tenant or a person permitted on the property by the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord.
- 2) Tenant or a person permitted on the property by the tenant has seriously jeopardized the health or safety or lawful right of another occupant or the landlord.

The Landlord states that the Tenant still occupies the rental unit and is not aware of an application for dispute resolution being filed by the Tenant to dispute the notice.

The Landlord seeks an order of possession.

Analysis

I accept the undisputed testimony of the Landlord and find that the Tenant was properly served with the 1 month notice to end tenancy issued for cause dated December 31, 2013 in person on the same date. The Tenant still occupies the rental unit and has not filed an application for dispute resolution to dispute the notice. The Tenant is conclusively presumed to have accepted that the tenancy is at an end. The Landlord is granted an order of possession. The Tenant must be served with the order of possession. Should the Tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia for enforcement.

Conclusion

The Landlord is granted an order of possession.

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: March 19, 2014

Residential Tenancy Branch

