



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC

### Introduction

This hearing dealt with an application by the landlord for an order of possession. The hearing was conducted by conference call. The landlord's representative called in and participated in the hearing. The tenant did not appear although he was served with the Application for Dispute Resolution and Notice of Hearing by handing copies of the documents to an adult occupant of the rental property on March 7, 2014. The person to whom the documents were given is the brother of the tenant.

### Issues

Is the landlord entitled to an order of possession?

### Background and Evidence

This tenancy began in September, 2012. The rent is \$500.00 due in advance on the first day of each month. The tenant is the sole tenant named in the tenancy agreement. On January 27, 2014 the landlord personally served the tenant with a one month Notice to End Tenancy for cause. The Notice required the tenant to move out of the rental unit by February 28, 2014. The grounds for the Notice were that the tenant had significantly interfered with or unreasonably disturbed another occupant or the landlord, that he had seriously jeopardized the health or safety or lawful right of another occupant or the landlord and that he had sublet the rental unit without the landlord's consent. The tenant did not file an application to dispute the Notice to End Tenancy. He has apparently moved out of the rental unit, but other persons that the tenant allowed into the rental unit continue to occupy the unit and refuse to move.

### Analysis

Section 47 of the Act requires that upon receipt of a one month Notice to End Tenancy for cause the tenant may, within 10 days dispute the notice by filing an Application for Dispute Resolution with the Residential Tenancy Branch. If, as in the present case, the

tenant does not make an application to dispute the Notice to End Tenancy, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice.

Conclusion

*Order of Possession* - Based on the above background, evidence and analysis I find that the landlord is 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.

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: April 09, 2014

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Residential Tenancy Branch

