



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding The Father Delestre Housing Society
and [tenant name suppressed to protect privacy]

DECISION

Dispute codes OP MNR MNSD FF

Introduction

This hearing dealt with an application by the landlord for an order of possession pursuant to a Notice to End Tenancy for cause and recovery of the filing fee for this application. The hearing was conducted by conference call. The landlord's representatives called in and participated in the hearing. The tenant did not appear although she was personally served with the Application for Dispute Resolution and Notice of Hearing on March 7, 2014.

Issues

Is the landlord entitled to an order of possession?

Background and Evidence

This tenancy began on February 6, 2012. On January 16, 2014 the landlord served the tenant with a one month Notice to End Tenancy for cause by handing a copy of the Notice to an adult occupant of the rental unit who identified herself as the tenant's daughter. The Notice to End Tenancy required the tenant to move out of the rental unit by February 28, 2014. The tenant did not file an application to dispute the Notice to End Tenancy and she has not moved out of the rental unit.

Analysis

Section 47 of the Act provides that upon receipt of a one month Notice to End Tenancy for cause the tenant may, within 10 days after receiving the Notice 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 apply 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. The landlord is entitled to recover the \$50.00 filing fee paid for this application and it may retain the said sum from the tenant's security deposit.

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 08, 2014

Residential Tenancy Branch

