



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

OPC

Introduction

This hearing was convened in response to an application by the landlord for an Order of Possession pursuant to an undisputed 1 Month Notice to End for Cause. The hearing was conducted by conference call and was only attended by the landlord.

The landlord testified the tenant was personally served with the application for dispute resolution and Notice of Hearing on April 26, 2014, and that subsequently the tenant was provided with all evidence provided to this matter. The tenant did not call into the conference call and did not participate in the hearing. The landlord testified that the tenant still resides in the rental unit. I find that the tenant was served in accordance with Section 89 of the Act. The hearing proceeded and the landlord was permitted to advance their claim.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

The undisputed evidence is that on April 07, 2014 the tenant was personally served with a One Month Notice to End Tenancy for Cause. The tenant has not filed an application to dispute the Notice to End Tenancy within the 10 days permitted to do so under the Act.

The landlord provided a copy of the Notice to End dated April 07, 2014 with a stated effective date of May 06 - automatically adjusted to an effective date of May 31, 2014.

Analysis

Section 47 of the Act provides that if a tenant does not apply to dispute a one Month

Notice to End Tenancy for Cause within 10 days after receiving it, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice and **must** vacate the rental unit by that date. The Notice to End Tenancy stated that the tenant was required to vacate the rental unit by May 06, 2014. The earliest date the 1 Month Notice was legally effective to end the tenancy is May 31, 2014. Pursuant to section 53 of the *Residential Tenancy Act* the effective date of the Notice is automatically changed to that date.

The tenant was served with the Notice to End and they have not disputed it. In addition the effective date of the Notice has passed. As a result, I find that the landlord is entitled to an immediate **Order of Possession**.

Conclusion

I grant an Order of Possession to the landlord effective 2 days from the day the tenant is served with the Order. The tenant must be served with this **Order of Possession**. Should the tenant fail to comply with the Order, the Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

This Decision is final and binding on both parties.

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: June 11, 2014

Residential Tenancy Branch

