



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BROWN BROS. AGENCIES LTD
and [tenant name suppressed to protect privacy]

Decision

Dispute Codes: OPC, MNR, MNSD, FF

Introduction

This hearing dealt with an application submitted by the landlord seeking an Order of Possession based on a One-Month Notice to End Tenancy for Cause and rent owed.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained. The participants had an opportunity to submit documentary evidence prior to this hearing, and the evidence has been reviewed. The parties were also permitted to present affirmed oral testimony and to make submissions during the hearing. I have considered all of the affirmed testimony and relevant evidence that was properly served.

Preliminary Issue

In regard to the landlord's monetary claim, the landlord testified that the tenant is in arrears for rent. Residential Tenancy Rules of Procedure, Rule 2.3 states that, in the course of the dispute resolution proceeding, if the arbitrator determines that it is appropriate to do so, he or she may dismiss the unrelated disputes contained in a single application with, or without, leave to reapply.

In this instance, I find the monetary claim pertains to section of the Act not connected to section 47 that deals with a One Month Notice to End Tenancy for Cause.

Accordingly, I find that the monetary portion of this application must be severed and dealt with through an application under section 67 of the Act. Therefore the landlord's request for a monetary order is dismissed with leave to reapply

Issue(s) to be Decided

Is the landlord is entitled to an Order of Possession based on the One-Month Notice to End Tenancy for Cause?

Background and Evidence Notice to End Tenancy

The landlord testified that the tenancy had originally started in October 2013, at which time the tenant paid a security deposit of \$365.00. The landlord testified that the tenant was issued a One-Month Notice to End Tenancy for Cause. A copy of the One-Month Notice to End Tenancy for Cause dated March 25, 2014 was submitted into evidence.

The landlord testified that testified that the tenant did not file an application to dispute the Notice, and has not vacated the unit.

Analysis

Under section 47 of the Act, a landlord may end a tenancy by giving notice to end the tenancy for cause.

The Act states that a tenant may dispute a notice under this section by making an application for dispute resolution within 10 days. If a tenant who has received a notice under section 47 does not make an application for dispute resolution in accordance with subsection (4), the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, and must vacate the rental unit by that date.

In this instance, the tenant failed to make an application to dispute the One-Month Notice. Therefore I find that under the Act an Order of Possession must be issued in favour of the landlord based on the One-Month Notice. The landlord requested an Order of Possession effective July 31, 2014.

I hereby grant the landlord an Order of Possession effective July 31, 2014. This order must be served on the tenant and may be filed in the Supreme Court if necessary.

Conclusion

The landlord is successful in the application and is granted an Order of Possession based on the One Month Notice to End Tenancy for Cause. The landlord's monetary claim is severed and dismissed with leave.

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 23, 2014

Residential Tenancy Branch

