



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding FIRST UNITED CHURCH SOCIAL HOUSING SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

OPC

Introduction

This was the hearing of an application by the landlord for an Order of Possession. The hearing was conducted by conference call.

The landlord testified that they served the tenant with the Notice of Hearing on May 23, 2014 by posting it to the tenant's door; and, that the event was witnessed by a staff of the landlord, for which they provided a signed statement. The landlord testified that they also provided the tenant with all of their document evidence. I find that the tenant was served with the application for dispute resolution and Notice of Hearing in accordance with Section 89 of the Act on May 23, 2014. However, they did not call into the conference call hearing and did not participate in the hearing.

The landlord testified that the tenant still resides in the rental unit and they seek an immediate Order of Possession.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

On April 24, 2014 the tenant was served with a One month Notice to End Tenancy for Cause, by posting it to the tenant's door. The tenant has not / did not file 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 24, 2014 with an effective date of May 31, 2014, and I find the Notice is valid.

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 required the tenant to vacate the rental unit by May 31, 2014.

As a result of the above, I find that the landlord is entitled to an **Order of Possession**. As the effective date of the Notice to End has passed, I find the landlord's Order of Possession will be effective 2 days after the day the tenant is served the Order.

Conclusion

I grant an Order of Possession to the landlord effective **2 days** from the day it is served on the tenant. 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: July 15, 2014

Residential Tenancy Branch

