



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC

Introduction

This is an application for an Order of Possession based on a Notice to End Tenancy that was given for cause.

The applicant testified that the respondent was served with notice of the hearing by posting the notice on the respondent's door; however the respondent did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents posted on the door are deemed served 3 days after posting and therefore it is my finding that the respondent has been properly served with notice of the hearing.

I therefore proceeded with the hearing in the respondent's absence.

All testimony was taken under affirmation.

Issue(s) to be Decided

Has the landlord established the right to an Order of Possession?

Background and Evidence

On April 29, 2014 the landlord posted a one-month Notice to End Tenancy on the tenant's door.

The tenant has not filed a dispute of the notice nor has the tenant vacated the rental unit.

He has collected rent or use and occupancy only to the end of July 2014 and therefore is requesting that an Order of Possession be issued for July 31, 2014.

Analysis

Since the Notice to End Tenancy was posted on the door it is considered served three days later and therefore the date of service is deemed to be May 2, 2014.

A one-month notice served in the month of May 2014 ends the tenancy at the end of June 2014.

Therefore this tenancy ended on June 30, 2014 and since the tenant has failed to vacate the rental unit the landlord has the right to an Order of Possession.

Conclusion

Pursuant to sections 47 and 55 of the Residential Tenancy Act I have issued an Order of Possession for 1:00 PM on July 31, 2014.

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 21, 2014

Residential Tenancy Branch

