



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: OPC, FF

### Introduction

This hearing was scheduled in response to the Landlord's Application for Dispute Resolution, in which the Landlord applied for an Order of Possession for Cause and to recover the fee for filing this Application for Dispute Resolution.

Both parties were represented at the hearing. They were provided with the opportunity to submit documentary evidence prior to this hearing, to present relevant oral evidence, to ask relevant questions, and to make relevant submissions to me.

The Landlord stated that on August 20, 2014 the Application for Dispute Resolution, the Notice of Hearing and documents the Landlord wishes to rely upon as evidence were posted on the door of the rental unit. The Tenant stated that he located these documents on September 14, 2014, as he has been out of the country. As he received the documents, they were accepted as evidence for these proceedings.

### Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession?

### Background and Evidence

The Landlord and the Tenant agree that this tenancy began on May 01, 2011 and that rent is due by the first day of each month.

The Landlord stated that on August 05, 2014 he posted a One Month Notice to End Tenancy for Cause on the door of the rental unit. The Tenant stated that he was aware of the Notice of August 10, 2014 but he did not receive the Notice until September 14, 2014.

The One Month Notice to End Tenancy for Cause indicated that the Landlord was ending the tenancy because the tenant was repeatedly late paying rent. The Notice informed the Tenant that he must vacate the rental unit by September 10, 2014.

The Notice to End Tenancy for Cause informed the Tenant that he must move out of the rental unit by the date set out on the front page of the Notice if he does not dispute the

Notice within ten days of receiving it. The Tenant stated that he did not dispute the Notice after receiving it on September 14, 2014.

### Analysis

On the basis of the undisputed evidence, I find that the Tenants received a One Month Notice to End Tenancy for Cause, pursuant to section 47 of the Act, which declared that he must vacate the rental unit by September 10, 2014.

Section 47(5) of the *Residential Tenancy Act (Act)* stipulates that tenants are conclusively presumed to have accepted that the tenancy ends on the effective date of a notice received pursuant to section 47 of the Act and that the tenants must vacate the rental unit by that date unless the tenants dispute the notice within ten days of receiving it. As there is no evidence that the Tenant filed an application to dispute the Notice to End Tenancy, I find that the Tenant accepted that the tenancy was ending on the effective date of the Notice, pursuant to section 47(5) of the Act. I therefore find that the Landlord is entitled to an Order of Possession.

At the hearing the Landlord offered to allow the Tenant to remain in the rental unit until October 15, 2014 and the Tenant indicated he would like to remain in the unit until that date. On that basis, I will grant the Landlord an Order of Possession for October 15, 2014.

I find that Landlord's Application for Dispute Resolution has merit and I therefore find that the Tenant must compensate the Landlord for the cost of filing this Application.

### Conclusion

I grant the Landlord an Order of Possession that is effective at 1:00 p.m. on October 15, 2014. This Order may be served on the Tenant, filed with the Supreme Court of British Columbia, and enforced as an Order of that Court.

I grant the Landlord a monetary Order for \$50.00 in compensation for the filing fee paid by the Landlord for this Application for Dispute Resolution. In the event that the Tenant does not comply with this Order, it may be served on the Tenant, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

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: October 01, 2014

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Residential Tenancy Branch