



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding STRATATECH CONSULTING LTD.
and [tenant name suppressed to protect privacy]

Dispute Codes:

OPC, FF

Introduction

The hearing was scheduled in response to the an Application for Dispute Resolution, in which the Landlord has made application for an Order of Possession for Cause and to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution.

The Agent for the Landlord stated that on August 01, 2014 the Application for Dispute Resolution and the Notice of Hearing were sent to the Tenant at the rental unit, via registered mail. The Agent for the Landlord cited a tracking number that corroborates this statement. In the absence of evidence to the contrary, I find that these documents have been served in accordance with section 89 of the *Residential Tenancy Act (Act)*; however the Tenant did not appear at the hearing.

On August 05, 2014 the Landlord submitted documents to the Residential Tenancy Branch, which the Landlord wishes to rely upon as evidence. The Agent for the Landlord stated that these documents were posted on the door of the rental unit on July 31, 2014. In the absence of evidence to the contrary, I find that these documents have been served in accordance with section 88 of the *Act* and they were accepted as evidence for these proceedings.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession or Cause?

Background and Evidence

The Agent for the Landlord stated that he believes this tenancy began on November 01, 2013; that rent is due by the first day of each month; and that the Tenant is still occupying the rental unit.

The Agent for the Landlord stated that he personally served the Tenant with a One Month Notice to End Tenancy for Cause on June 27, 2014. The One Month Notice to End Tenancy for Cause indicated that the Landlord was ending the tenancy for a variety of reasons and that the Tenant must vacate the rental unit by July 31, 2014.

Analysis

In the absence of evidence to the contrary, I find that on June 27, 2014 the Tenant received a One Month Notice to End Tenancy for Cause, served pursuant to section 47 of the *Act*, which declared the Tenant must vacate the rental unit by July 31, 2014.

Section 47(5) of the *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 aforementioned Notice to End Tenancy, I find that the Tenant accepted that the tenancy was ending on July 31, 2014, pursuant to section 47(5) of the *Act*. As the Tenant is still occupying the rental unit, I find the Landlord is entitled to an Order of Possession.

I find that Landlord's Application for Dispute Resolution has merit and that the Landlord is entitled to recover the fee for filing this Application.

Conclusion

I grant the Landlord an Order of Possession that is effective two days after it is served upon the Tenant. This Order may be served on the Tenant, filed with the Supreme Court of British Columbia, and enforced as an Order of that Court.

The Landlord has established a monetary claim of \$50.00 in compensation for the filing fee paid by the Landlord for this Application for Dispute Resolution, and I grant the Landlord a monetary Order for this amount. 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: September 29, 2014

Residential Tenancy Branch

