



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPB FF

Introduction

This hearing dealt with the landlord's application for an order of possession. The landlord's agent participated in the teleconference hearing but the tenant did not.

The landlord stated that on September 26, 2014 he personally served the tenant with the application for dispute resolution and notice of hearing. I accepted the landlord's testimony that the tenant was served with notice of the hearing and I proceeded with the hearing in the absence of the tenant.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The tenancy began on July 1, 2014, with rent due in advance on the first day of the month.

On August 29, 2014 the landlord served the tenants with a notice to end tenancy for cause. The notice was served by posting it to the rental unit door. The tenants did not apply to cancel the notice, and at the time of the hearing the tenants remained in the rental unit.

In support of their application the landlord submitted evidence including the following:

- a copy of the tenancy agreement showing rent due on the first day of each month;
- a copy of the notice to end tenancy for cause dated August 29, 2014, with an effective date of September 30, 2014;

- testimony of the landlord regarding service of the notice to end tenancy and
- a copy of the Landlord's Application for Dispute Resolution, filed September 23, 2014.

Analysis

I have reviewed all evidence and I accept that the tenants were served with the notice to end tenancy as declared by the landlord. The notice is deemed to have been received by the tenant on September 1, 2014. Because the tenants were deemed served on September 1, 2014 and the tenancy runs month to month from the first day of the month, the effective date of the notice automatically corrects to the last day of the following month, October 31, 2014.

I accept the evidence before me that the tenants did not apply to dispute the notice and they are therefore conclusively presumed to have accepted that the tenancy will end on the corrected effective date of the notice. The landlord is therefore entitled to an order of possession.

As their application was successful, the landlord is also entitled to recovery of the \$50 filing fee for the cost of their application.

Conclusion

I grant the landlord an order of possession effective October 31, 2014. The tenants must be served with the order of possession. Should the tenants 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 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 17, 2014

Residential Tenancy Branch

