



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Ian Angus Holdings Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC FF

Introduction

This hearing dealt with an application by the landlord for an order of possession pursuant to a notice to end tenancy for cause.

The landlord participated in the teleconference hearing, but the tenant did not call into the hearing. The landlord submitted evidence that they served the tenant with the application for dispute resolution and notice of hearing by registered mail sent on August 5, 2014. Section 90 of the Act states that a document is deemed to have been served five days after mailing. I found that the tenant was deemed served with notice of the hearing on August 10, 2014, and I proceeded with the hearing in the absence of the tenant.

Issue(s)

Is the landlord entitled to an order of possession?

Background and Analysis

On July 9, 2014 the landlord served the tenant with a notice to end tenancy for cause by registered mail. The tenant did not apply to cancel the notice and did not vacate the rental site. The landlord has therefore applied for an order of possession pursuant to that notice to end tenancy.

The Landlord's evidence included the following:

- a copy of a residential tenancy agreement, signed by the tenant and the landlord in March 2009, indicating monthly rent due on the first of each month;

- a copy of the notice to end tenancy for cause, issued on July 9, 2014, with an effective vacancy date of August 31, 2014; and
- evidence showing that the tenant was served the notice to end tenancy for cause by registered mail sent on July 9, 2014.

Analysis

I have reviewed all evidence and I accept that the tenant was served with the notice to end tenancy. The notice is deemed to have been received by the tenant on July 14, 2014.

I find that the tenant is conclusively presumed under section 40(5) of the Act to have accepted that the tenancy ended on the 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 two days from service. The tenant must be served with the 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.

I grant the landlord an order under section 60 for the balance due of \$50. This order may be filed in the 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 *Manufactured Home Park Tenancy Act*.

Dated: October 2, 2014

Residential Tenancy Branch

