



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding City of Vancouver
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC

Introduction

This was a hearing with respect to the landlord's application for an order for possession. The hearing was conducted by conference call. The named landlord called in and participated in the hearing. The tenant did not attend the hearing although he was served with the application for dispute resolution and Notice of Hearing by registered mail sent on December 1, 2014. The landlord said at the hearing that the tenant acknowledged to him that he received the application and did not intend to attend the hearing.

Issue(s) to be Decided

Is the landlord entitled to an order for possession pursuant to a one month Notice to End Tenancy for cause dated September 28, 2014?

Background and Evidence

The rental unit is an apartment in Vancouver. The tenancy began on April 1, 2014. Monthly rent of \$375.00 is payable on first of each month. The tenant paid a security deposit of \$187.50 at the start of the tenancy.

On September 28, 2014 the landlord served the tenant with a one month Notice to End Tenancy for cause by posting the Notice to End Tenancy to the door of the rental unit. The cause alleged was that the tenant has engaged in illegal activity that has adversely affected the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord. The Notice to End Tenancy required the tenant to move out of the rental unit by October 31, 2014. The tenant did not apply to cancel the Notice to End Tenancy and he has not moved out of the rental unit. The landlord has received rent payments for the months of November and December; they have been accepted:

“For use and occupancy only” and the tenant was issued receipts for the rent payments with that advice printed on them.

The landlord has requested an order for possession pursuant to the Notice to End Tenancy.

Analysis

Section 47 of the Act provides that upon receipt of a one month Notice to End Tenancy the tenant may, within 10 days, dispute the notice by filing an Application for Dispute Resolution with the Residential Tenancy Branch. If, as in the present case, the tenant does not dispute the Notice to End Tenancy, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice.

Conclusion

Order of Possession - Based on the above background, evidence and analysis I find that the landlord is entitled to an order of possession effective two days after service on the tenant. This order may be filed in the Supreme 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: December 30, 2014

Residential Tenancy Branch

