



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BAPTIST HOUSING SOCIETY OF BC
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC

Introduction

This matter dealt with an application by the Landlord for an Order of Possession.

The Landlord said he served the Tenant with the Application and Notice of Hearing (the “hearing package”) by registered mail on November 19, 2014. Based on the evidence of the Landlord, I find that the Tenant was served with the Landlord’s hearing package as required by s. 89 of the Act and the hearing proceeded with both the Landlord and the Tenant in attendance.

Issues(s) to be Decided

1. Does the Landlord have grounds to end the tenancy?

Background and Evidence

This tenancy started on June 1, 2013 as a month to month tenancy. The Landlord said the rent was \$298.00 per month payable on the 1st of each month and the Tenant said the rent was \$345.00 which included cable. The Tenant paid a security deposit of \$295.00 on March 25, 2013.

The Landlord said he issued a 1 Month Notice to End Tenancy for Cause dated October 2, 2014 on October 2, 2014 with an effective vacancy date of November 30, 2014. The Landlord continued to say the Tenant did not dispute the Notice of End Tenancy for Cause Dated October 2, 2014 and has not moved out of the rental unit by the effective vacancy date so they have applied for an Order of Possession to support the Notice to End Tenancy. The Landlord said they are requesting the Order of Possession for as soon as possible.

The Tenant said she did not dispute the Notice to End Tenancy for Cause dated October 2, 2014, but she would like some more time to find a new rental unit. As well the Tenant requested the Landlord assist her in finding a new rental unit because they

have knowledge of what is available and what would work for the Tenant. The Tenant asked the Landlord if the tenancy could continue until she finds a new rental unit.

The Landlord said they would be willing to continue the tenancy until January 1, 2015 and the Landlord requested an Order of Possession for that date.

Analysis

Section 47 of the Act says a landlord may end a tenancy for cause by giving a Notice to End Tenancy for Cause. Section 47(4) of the Act states that **within 10 days of receiving** a Notice to End Tenancy for Cause, a Tenant may apply for dispute resolution. If the Tenant fails to do this, then under section 47(5) of the Act, they are conclusively presumed to have accepted that the tenancy ends on the effective date of the Notice and they must vacate the rental unit at that time.

Under s. 90 of the Act, the Tenant is deemed to have received the Notice to End Tenancy three days after it was served in the Tenant's mail box on October 2, 2013, or on October 5, 2014. Consequently, the Tenant would have had to apply to dispute the Notice by October 15, 2014.

I find that the Tenant has not applied for dispute resolution. Consequently, I find pursuant to s. 55(2)(b) of the Act that the Landlord is entitled to an Order of Possession to take effect at 1:00 p.m. on January 1, 2015.

Conclusion

An Order of Possession effective at 1:00 p.m. on January 1, 2015 has been issued to the Landlord. A copy of the Order must be served on the Tenant: the Order of Possession may be enforced in the Supreme Court of British Columbia.

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 15, 2014

Residential Tenancy Branch

