



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Sanford Housing Society
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC, FF

Introduction

This is a request for an Order of Possession based on a Notice to End Tenancy that was given for cause, and a request for recovery of the \$50 filing fee.

The applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed on January 19, 2015; however the respondent did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent has been properly served with notice of the hearing.

I therefore conducted the hearing in the respondent's absence.

All testimony was taken under affirmation.

Issue(s) to be Decided

Has the applicant established the right to an Order of Possession and recovery of the filing fee?

Background and Evidence

On December 16, 2014 the landlord's personally served the tenant with a one-month Notice to End Tenancy for cause.

That Notice to End Tenancy would have ended the tenancy on January 31, 2014, however the tenant has failed to vacate the rental unit.

The landlord is requesting an Order of Possession for as soon and possible, and recovery of the \$50 filing fee.

Analysis

It's my finding that the landlord has served the tenant with a valid Section 47, one month Notice to End Tenancy for cause and the tenant has failed to comply with that notice.

Further, there is no evidence that the tenant has filed any dispute of the Notice to End Tenancy.

Section 47(5) of the Residential Tenancy Act states:

47(5) If a tenant who has received a notice under this section does not make an application for dispute resolution in accordance with subsection (4), the tenant

- (a) is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, and

- (b) must vacate the rental unit by that date.

In this case, as stated above, there is no evidence that the respondent/tenant has filed any dispute of this notice and therefore the tenant is conclusively deemed to have accepted the end of the tenancy.

The landlord therefore does have the right to an Order of Possession.

I also allow the request for recovery of the filing fee.

Conclusion

I have issued an Order of Possession that is enforceable two days after service on the respondent.

I have issued a monetary order in the amount of \$50.00.

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: February 03, 2015

Residential Tenancy Branch

