



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

OPC, FF

Introduction

This was the hearing of an application by the landlord for an Order of Possession. The hearing was conducted in person.

The landlord testified that they served the tenant with the Notice of Hearing on March 16, 2015 by posting it to the tenant's door as well as giving the hearing package to the tenant personally. I find that the tenant was served with the application for dispute resolution and Notice of Hearing in accordance with Section 89 of the Act no later than on March 19, 2015. However, the tenant did not attend the in person hearing and did not otherwise participate in the hearing.

The landlord testified that the tenant still resides in the rental unit and they seek an immediate Order of Possession.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

The rental unit is 2 rooms in a house in which the tenant shares the kitchen and bathroom with other tenants of the house. The undisputed testimony is that on March 01, 2015 the tenant was served with a One Month Notice to End Tenancy for Cause, by posting it to the tenant's door. The tenant has not / did not file an application to dispute the Notice to End Tenancy within the 10 days permitted to do so under the Act.

The landlord provided a copy of the Notice to End dated March 01, 2015 with an automatically adjusted effective date of April 30, 2015, and I find the Notice is valid.

Analysis

Section 47 of the Act provides that if a tenant does not apply to dispute a One Month Notice to End Tenancy for Cause within 10 days after deemed receiving it, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice and **must** vacate the rental unit by that date. The Notice to End Tenancy requires the tenant to vacate the rental unit by April 30, 2015.

As a result of the above, I find that the landlord is entitled to an **Order of Possession** effective April 30, 2015.

The landlord is entitled to recover their filing fee of \$50.00.

Conclusion

I grant an Order of Possession to the landlord effective **April 30, 2015**. The tenant must be served with this 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.

This Decision is final and binding on both parties.

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: April 21, 2015

Residential Tenancy Branch

