



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding WEST FRASER HOUSING SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes opc

Introduction

The landlord has applied for dispute resolution of a dispute in the tenancy at the above noted address, and requests an Order of Possession, based upon an undisputed one month Notice to End Tenancy.

The tenant did not attend the hearing. I accept that he was personally served with notice of this hearing and the landlord's application.

The landlord's initial application named the landlord's property manager, personally, as Landlord. While the definition of "landlord" under the Residential Tenancy Act can include an agent of the landlord, at the hearing the landlord's representative (and executive director) requested that the application be amended to reflect the actual legal name of the landlord. I found this to be appropriate under the circumstances, for proper identification purposes as well as any potential enforcement purposes. Given that the property manager deals directly with the tenant as the landlord's representative, I find this amendment does not prejudice the tenant in any way. The style of cause on the cover of this decision reflects this amendment and bears the actual name of the landlord.

Issues to Be Decided

- Is the landlord entitled to an Order of Possession?

Background and Evidence

This tenancy began about 20 years ago. Rent is subsidized, and the tenant's portion of the monthly rent is \$300.00. On February 2, 2015, the tenant was personally served a one month Notice To End Tenancy, which was effective to end the tenancy on March 30, 2015. No dispute of the notice was ever filed by the tenant.

As of the date of this hearing, the tenant remains in possession, but the tenant's support worker has advised the landlord that he has new premises available in several days.

Analysis

Section 47(5) of the Residential Tenancy Act, provides that when a tenant does not make application to dispute a notice to end the tenancy for cause within the time required, the tenant is conclusively deemed to have accepted that the tenancy ends on the effective date of the notice. Accordingly on this basis, I find the tenancy ended March 30, 2015. As that date has passed, the landlord has established a right to possession. Under the circumstances, and accepting that arrangements for alternative housing have been made, it is appropriate that the Order be effective within 48 hours of service of the order upon the tenant.

Conclusion

Pursuant to Section 55(2)(b) of the Residential Tenancy Act, I issue an Order of Possession effective 48 hours following service upon the tenant. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court for enforcement.

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 10, 2015

Residential Tenancy Branch

