



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPC, FF

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession pursuant to a notice to end tenancy and for the recovery of the filing fee.

The notice of hearing was served on the tenant on May 22, 2015, in person. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

Issues to be decided

Is the landlord entitled to an order of possession and for the recovery of the filing fee?

Background and Evidence

The landlord testified that the tenancy started in October 2009. The monthly rent is \$585.00 payable on the first of each month.

The landlord stated that on May 03, 2015, he served the tenant with a notice to end tenancy for cause. The effective date of the notice is June 30, 2015. The tenant did not dispute the notice

The landlord has applied for an order of possession effective June 30, 2015.

Analysis

Based on the undisputed testimony of the landlord, I also find that the tenant received the notice to end tenancy on May 03, 2015 and did not dispute the notice.

Pursuant to section 47 (5) of the *Residential Tenancy Act*, if a tenant has received a notice to end tenancy for cause and does not make an application for dispute resolution within ten days after receiving the notice, the tenant is conclusively presumed to have accepted that the **tenancy ends on the effective date of the notice** and must vacate the rental unit by that date.

Therefore, I find that the landlord is entitled to an order of possession and pursuant to section 55(2); I am issuing a formal order of possession effective on or before 1:00 pm on June 30, 2015. The Order may be filed in the Supreme Court for enforcement.

Since the effective date of the notice to end tenancy has not passed, the landlord's application is premature and therefore he must bear the cost of filing his application.

Conclusion

I grant the landlord an order of possession effective on or before 1:00 pm on June 30, 2015.

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: June 11, 2015

Residential Tenancy Branch

