



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Metro Vancouver Housing Corporation  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPC, FF

### Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking an order of possession. The hearing was conducted via teleconference and was attended by two agents for the landlord.

The landlord testified the tenant was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* by registered mail on May 28, 2015 in accordance with Section 89. Section 90 of the *Act* deems documents served in such a manner to be received on the 5<sup>th</sup> day after they have been mailed. Based on the testimony of the landlord, I find that the tenant has been sufficiently served with the documents pursuant to the *Act*.

### Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for cause and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 47, 55, 67, and 72 of the *Residential Tenancy Act (Act)*.

### Background and Evidence

The landlord submitted into evidence the following relevant documents:

- A copy of a tenancy agreement signed by the parties on March 26, 2012 for a month to month tenancy beginning on April 1, 2012 for the monthly rent of \$952.00 due on the 1<sup>st</sup> of each month; and
- A copy of a 1 Month Notice to End Tenancy for Cause issued on April 10, 2015 with an effective vacancy date of May 31, 2015 citing the tenant has assigned or sublet the rental unit without landlord's written consent. The Notice stipulates the tenant had 10 days to file an Application for Dispute Resolution to dispute the Notice. The landlord submits the tenant was served with this Notice by posting it on the rental unit door on April 10, 2015.

### Analysis

Section 47 of the *Act* allows a landlord to end a tenancy by giving notice to end the tenancy if the tenant purports to assign the tenancy agreement or sublet the rental unit without first obtaining the landlord's written consent as required by section 34 of the *Act*.

Section 47(4) allows a tenant who receives a notice under Section 47 to apply to dispute the notice within 10 days of receiving it. Section 47(5) states that if a tenant does not file an Application for Dispute Resolution seeking to cancel such a notice the tenant is conclusively presumed to have accepted the end of the tenancy and must vacate the unit by the effective date of the notice.

Based on the landlord's undisputed testimony and evidence I find the landlord served the tenant with the 1 Month Notice to End Tenancy for Cause on April 10, 2015 as described above. In the absence to any evidence to the contrary, I find the tenant is deemed to have received the Notice on April 13, 2015. There is no evidence before me that the tenant filed an Application for Dispute Resolution to dispute the Notice.

As such, I find the tenant is conclusively presumed to have accepted the end of the tenancy and must vacate the rental unit.

### Conclusion

I find the landlord is entitled to an order of possession effective **two days after service on the tenant**. This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

I find the landlord is entitled to monetary compensation pursuant to Section 67 in the amount of **\$50.00** comprised of the fee paid by the landlord for this application. I order the landlord may deduct this amount from the security deposit held in the amount of \$418.73 in satisfaction of this claim, leaving a balance of \$368.73.

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 19, 2015

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Residential Tenancy Branch

