



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC

Introduction

This hearing dealt with an application by the landlord for an order of possession. The hearing was conducted by conference call. The landlord called in and participated in the hearing. The tenant did not appear although she was personally served with the Application for Dispute Resolution and Notice of Hearing on May 13, 2015.

Issues

Is the landlord entitled to an order of possession?

Background and Evidence

This tenancy began in April, 2015. On May 1, 2015 the landlord personally served the tenant with a one month Notice to End Tenancy for cause by handing the Notice to her at the rental unit. There were several reasons for the Notice, including the ground that the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord and that the tenant has engaged in illegal activity that has jeopardized a lawful right or interest of another occupant or the landlord. The Notice to End Tenancy required the tenant to move out of the rental unit by May 31, 2015. The tenant did not file an application to dispute the Notice to End Tenancy and she has not moved out of the rental unit.

Analysis

Section 47 of the *Act* provides that upon receipt of a Notice to End Tenancy for cause the tenant may, within 10 days, dispute the notice by filing an Application for Dispute Resolution with the Residential Tenancy Branch. If, as in the present case, the tenant does not apply to dispute the Notice, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice. The Notice purported to end the tenancy on May 31, 2015, but the earliest date that the Notice can be effective is June 30, 2015. Pursuant to section 53 of the *Residential Tenancy Act*,

the incorrect effective date is deemed to be the earliest date that complies with the applicable section of the *Act*.

Conclusion

Order of Possession - Based on the above background, evidence and analysis I find that the landlord is entitled to an order of possession effective June 30, 2015, after service on the tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

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 24, 2015

Residential Tenancy Branch

