



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** OPC

### **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 for cause.

The notice of hearing was served on the tenant on June 03, 2015 by email and by posting the notice on the tenant's front door. The landlord stated that the tenant responded to the email and also copied the landlord on multiple emails that she wrote to various government officials. 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?

### **Background and Evidence**

The landlord testified that the tenancy started in April 2008. The monthly rent is \$800.00 payable on the first of each month.

The landlord testified that in July 2012, the rental unit was visited by immigration officials and the tenant was deported out of Canada to Seattle. The tenant had changed the locks prior to being deported and stayed in touch with the landlord. The tenant also continued to pay rent even though she did not occupy the rental unit. The landlord stated that the tenant has not returned to the rental unit since she was deported.

The landlord stated that the rental property was zoned for single occupancy but she had made structural alterations to allow her to rent to multiple tenants.

On April 17, 2015, the landlord received a letter from the local municipality office ordering her to cease occupation of the rental property until all the necessary paper work and permits were obtained to allow the rental property to be occupied as a multiple dwelling.

On April 30, 2015, the landlord served the tenant with a notice to end tenancy by placing the notice on the front door. The reason for the notice was that the rental unit had to be vacated to comply with a government order. The tenant did not dispute the notice and stopped paying rent effective May 01, 2015. The landlord has applied for an order of possession effective two days after service on the tenant.

### **Analysis**

Based on the undisputed testimony and documentary evidence of the landlord, I find that the tenant received the notice to end tenancy, on May 03, 2015 and did not dispute the notice, pursuant to Section 47 to set aside the notice to end a residential tenancy, and the time to do so has expired.

In these situations, the *Residential Tenancy Act* provides that the tenant has been deemed to have accepted the end of the tenancy on the date set out in the Notice. Pursuant to section 55(2) I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

### **Conclusion**

I grant the landlord an order of possession effective two days after service on the tenant.

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: July 21, 2015

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Residential Tenancy Branch

