



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Mission & District Senior Citizens Housing Association
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC

Introduction

This hearing was convened as a result of the landlord's application for dispute resolution under the Residential Tenancy Act ("Act"). The landlord applied for an order of possession for the rental unit pursuant to a 1 Month Notice to End Tenancy for Cause ("Notice") issued by the landlord to the tenant.

The landlord's agent (hereafter "landlord") attended the telephone conference call hearing; the tenant did not attend.

The landlord submitted that the tenant was served with their application for dispute resolution and notice of hearing by hand delivery on August 19, 2015. The landlord submitted further that she has been in contact with the tenant's advocate and understood that at least the advocate would be attending the hearing, although no one was present for the tenant.

Based upon the submissions of the landlord, I find the tenant was served notice of this hearing and the landlord's application in a manner complying with section 89(1) of the Act and the hearing proceeded in the tenant's absence.

The landlord was provided the opportunity to present her evidence orally and to refer to relevant documentary evidence submitted prior to the hearing, and make submissions to me.

I have reviewed all oral and documentary evidence before me that met the requirements of the Dispute Resolution Rules of Procedure (Rules); however, I refer to only the relevant evidence regarding the facts and issues in this decision.

Issue(s) to be Decided

Is the landlord entitled to an order of possession for the rental unit?

Background and Evidence

The landlord submitted that the tenancy began in April 2014.

The landlord submitted further that the tenant was served with the Notice on August 9, 2015, by hand delivery to the tenant. The Notice listed an effective vacancy date of September 30, 2015.

The causes listed on the Notice alleged that the tenant has put the landlord's property at significant risk and breached a material term of the tenancy agreement that was not corrected within a reasonable time after written notice to do so.

The Notice explained that the tenant had ten (10) days to file an application for dispute resolution at the Residential Tenancy Branch ("RTB") in dispute of the Notice. It also explains that if the tenant did not file an application to dispute the Notice within ten days, then the tenant is conclusively presumed to have accepted the end of the tenancy and must vacate the rental unit by the effective date of the Notice.

The landlord's relevant documentary evidence included a copy of the Notice, the written tenancy agreement and written concerns about the tenant.

I have no evidence before me that the tenant made an application to dispute the Notice.

Analysis

I accept the landlord's undisputed evidence that the tenant was served a 1 Month Notice to End Tenancy for Cause and did not apply to dispute the Notice. I therefore find the tenant is conclusively presumed under section 47(5) of the Act to have accepted that the tenancy ends on the effective date of the Notice and that the landlord is entitled to an order of possession for the rental unit effective on September 30, 2015, as listed on the Notice.

I grant the landlord a final, legally binding order of possession for the rental unit, which is enclosed with the landlord's Decision pursuant to section 55 of the Act. If the tenant fails to vacate the rental unit pursuant to the terms of the order after being served, the order may be filed in the Supreme Court of British Columbia for enforcement as an

order of that Court. The tenant is advised that costs of such enforcement are recoverable from the tenant.

Conclusion

The landlord's application for an order of possession for the rental unit is granted.

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: September 18, 2015

Residential Tenancy Branch

