



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 for an order of possession pursuant to a notice to end tenancy for cause.

The landlord participated in the teleconference hearing, but the tenant did not call into the hearing. The landlord submitted evidence that they personally served the tenant with the application for dispute resolution and notice of hearing on July 2, 2015. I accepted the landlord's evidence that the tenant was served with notice of the hearing on July 2, 2015, and I proceeded with the hearing in the absence of the tenant.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

On May 16, 2015 the landlord served the tenant with a notice to end tenancy for cause. As of the time of the hearing the tenant remained in the unit.

The Landlord's evidence included the following:

- a copy of a Notice to End Tenancy for Cause, issued on May 16, 2015, with an effective vacancy date of July 1, 2015;
- testimony that the tenant was served the Notice to End Tenancy for Cause on May 16, 2015; and
- a copy of the Landlord's Application for Dispute Resolution, filed July 2, 2015.

Analysis

I have reviewed all evidence and I accept that the tenant was served with the notice to end tenancy as declared by the landlord. I accept the evidence before me that the tenant did not dispute the notice. I find that the tenant is conclusively presumed under section to have accepted that the tenancy ended on the effective date of the notice. The landlord is therefore entitled to an order of possession.

Conclusion

I grant the landlord an order of possession effective two days from service. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia 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: September 1, 2015

Residential Tenancy Branch

