



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding FIRST UNITED CHURCH SOCIAL HOUSING SOCIETY
and [tenant name suppressed to protect privacy]

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 by the landlord by posting on the door to the rental unit, on August 14, 2015, in the presence of a witness. 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 tenancy started in a two person unit in 2004. The accommodation is subsidised housing and is allotted and rented based on a tenant's income and family size. The tenant's family size changed in 2013 and she was moved into a single person unit. The tenant's portion of the rent is \$387.00 payable on the first of each month.

On July 27, 2015, the landlord served the tenant with a one month notice to end tenancy for cause, by posting the notice on the door, in the presence of a witness. The reason for the notice was that the tenant has allowed an unreasonable number of occupants in the rental unit and has breached a material term of the tenancy agreement.

The tenant did not dispute the notice and continues to occupy the rental unit.

Analysis

Based on the undisputed testimony of the landlord, I find that the tenant is considered to have received the notice to end tenancy on July 30, 2015 and did not dispute the notice to end tenancy.

Pursuant to section 47 (5) of the *Residential Tenancy Act*, if a tenant has received a notice to end tenancy for cause and does not make an application for dispute resolution within ten days after receiving the notice, the tenant is conclusively presumed to have accepted that the **tenancy ends on the effective date of the notice** and must vacate the rental unit by that date.

Therefore, I find that the landlord is entitled to an order of possession and 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

The notice to end tenancy is upheld and 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: October 22, 2015

Residential Tenancy Branch

