



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Balay Management Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPC, OPB, FF

### Introduction

This hearing dealt with an application by the landlord for an order of possession and recovery of their filing fee. Both parties participated in the conference call hearing.

### Issue to be Decided

Is the landlord entitled to an order of possession?

### Background and Evidence

The parties agreed that on September 15, 2015, the landlord served on the tenants a one month notice to end tenancy for cause (the "Notice"). The tenants did not dispute the Notice and at the hearing, the tenant JM acknowledged that they intended to vacate the unit on October 31, 2015, which is the effective date of the Notice.

### Analysis

Section 47(5) provides that when tenants do not dispute a notice to end tenancy for cause, they are conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice. I therefore find that the landlord is entitled to an order of possession. The tenants must be served with this order and should they not comply with the order, it may be filed in the Supreme Court and enforced as an order of that Court.

As the landlord applied for dispute resolution prior to the effective date of the Notice and as the tenants intended to vacate the unit in accordance with the Notice, I find that this application was unnecessary and I find the landlord should bear the cost of the filing fee.

Conclusion

The landlord is granted an order of possession effective October 31, 2015.

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 20, 2015

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Residential Tenancy Branch

