



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Sanford Housing Society
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with an application by the landlord for an order of possession based upon a 1 Month Notice to End Tenancy for Cause. Although served with the Application for Dispute Resolution and Notice of Hearing served by registered mail deemed delivered on October 6, 2015, the tenant did not appear.

Issue(s) to be Decided

Is the landlord entitled to an order of possession and, if so, on what terms?

Background and Evidence

The tenancy commenced April 1, 2014 as a five-month fixed term tenancy and has continued thereafter as a month-to-month tenancy. This is subsidized housing. The tenant's portion of the monthly rent is \$385.00, due on the first day of the month.

On September 11, 2015 the landlord issued and posted a 1 Month Notice to End Tenancy for Cause. The tenant did not serve or file an Application for Dispute Resolution disputing the notice.

The effective date of the notice was October 31, 2015. The landlord accepted the November rent and gave the tenant a receipt that stated the rent was being received for use and occupation only.

Analysis

Section 47(4) of the *Residential Tenancy Act* provides that a tenant who has been served with a 1 Month Notice to End Tenancy may dispute the notice by filing an application with the Residential Tenancy Branch within ten days after the date the tenant receives the notice.

Section 47(5) sets that a tenant who does not file an application with Residential Tenancy Branch disputing the notice within the time limit 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.

This information is set out on the second page of the notice to end tenancy form.

As the tenant has not disputed the notice he is conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. Accordingly, the landlord is entitled to an order of possession. As the tenant has paid the rent to the end of November the effective date of the order of possession will be 1:00 pm, November 30, 2015.

Conclusion

An order of possession effective **1:00 pm, November 30, 2015**, has been granted to the landlord. If necessary this order may be filed in the Supreme Court 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: November 27, 2015

Residential Tenancy Branch

