



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC

Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order of Possession pursuant to a notice to end tenancy for cause - Section 47.

The Landlord and Tenant were each given full opportunity under oath to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Background and Evidence

The following are undisputed facts: The tenancy started either in October or November 2015. Rent of \$1,000.00 is payable monthly on the first day of each month. On November 16, 2015 the Landlord served the Tenant in person with a one month notice to end tenancy for cause (the “Notice”). The effective or move-out date set out in the Notice is January 31, 2016. The Tenant has not moved out of the unit and has not disputed the Notice.

The Tenant states that she has school age children and has not yet been able to find accommodation. The Landlord claims an order of possession and is agreeable to that order becoming effective on March 15, 2016.

Analysis

Section 47 of the Act provides that upon receipt of a notice to end tenancy for cause, the tenant may, within ten days of receiving the notice, dispute the notice by filing an application for dispute resolution with the Residential Tenancy Branch. If the tenant does not dispute the notice, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the notice and must vacate the unit by that date. Based on the undisputed evidence that the Tenant did not dispute the Notice I find that the Landlord is entitled to an order of possession as requested.

Conclusion

I grant the Landlord an Order of Possession effective 1:00 p.m. on March 15, 2016.

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: March 03, 2016

Residential Tenancy Branch

