



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding BC HOUSING  
and [tenant name suppressed to protect privacy]

## **DECISION**

### **Dispute Codes**

OPC FF

### **Introduction**

This hearing was convened in response to an application by the Landlord pursuant to Section 55 of the *Residential Tenancy Act* (the “Act”) for Orders an Order of Possession, and recover the filing fee.

Both the landlord and the tenant participated in the hearing and each acknowledged receiving the evidence of the other as also provided to this hearing. The parties were given opportunity to resolve their dispute to no avail. Both parties were given opportunity to be heard.

### **Issue(s) to be Decided**

Is the Notice to End Tenancy valid in compliance with Section 52 of the Act?  
Is the Landlord entitled to an Order of Possession?

### **Background and Evidence**

The following is relevant and undisputed evidence: On December 09, 2015, the Landlord served the Tenant in person with a 1 Month Notice to End Tenancy for Cause (the “Notice”) by posting the Notice on their door. The effective date stated on the Notice is January 31, 2016. The Tenant has not filed an application to dispute the Notice and has not moved out of the unit. In this matter it must be noted that the landlord has repeatedly offered the tenant a transfer to another subsidized housing site into a 3 bedroom, 3 level townhouse, and will pay the tenant's moving expenses.

### **Analysis**

**Section 47** of the Act requires that upon receipt of a Notice to End Tenancy for Cause, the tenant has the right, within ten (10) days of receiving the notice, to 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 by the Act to have accepted that the tenancy ends on the effective date of the Notice *and must* vacate the unit by that date.

**Section 55** of the Act provides that a landlord may request an Order of Possession of a rental unit by making an application for dispute resolution where a Notice to End the tenancy has been given by the landlord, and the tenant has not disputed the notice by making an application for dispute resolution - and the time for making that application has expired.

Based on the undisputed evidence I find that the tenant was served in accordance with the Act with a valid Notice to End on December 09, 2015 by posting on their door and deemed by the Act to have received the Notice December 12, 2015. The tenant has not disputed the Notice and has not moved out of the unit, and as a result, I find the Landlord is entitled to an Order of Possession. As the effective date of the Notice has past, the landlord is entitled to an Order of Possession effective 2 days from the day it is served.

I make no Order in respect to the filing fee.

### **Conclusion**

**I grant an Order of Possession** to the Landlord. The tenant must be served with this Order of Possession. **If necessary**, 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 final and binding on both parties.**

*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 02, 2016

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Residential Tenancy Branch

