



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding GUPBAEB GROUPS HOLDING LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

OPC, OPB

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 on February 03, 2016 registered mail. The landlord filed a copy of the tracking slip. 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 landlord testified that the tenancy started in August 2013. The monthly rent is \$725.00 payable on the first of each month.

The landlord testified that on December 02, 2015, he served the tenant with a notice to end tenancy for cause, in person, in the presence of a police constable. The tenant did not dispute the notice. The effective date of the notice is December 31, 2015 which was amended by the landlord to January 31, 2016. At the time of the hearing on March 17, 2016, the tenant had not yet moved out. The landlord has applied for an order of possession effective two days after service on the tenant.

Analysis

Based on the undisputed testimony and documentary evidence of the landlord, I find that the tenant received the notice to end tenancy, on December 02, 2015 and did not make application to dispute the notice, pursuant to Section 47 to set aside the notice to end a residential tenancy, and the time to do so has expired.

In these situations, the *Residential Tenancy Act* provides that the tenant has been deemed to have accepted the end of the tenancy on the date set out in the Notice. 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

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: March 17, 2016

Residential Tenancy Branch

