



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute codes OPC

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- an order of possession for cause pursuant to section 55;

The hearing was conducted by conference call. The tenant did not attend this hearing, although I waited until 9:15 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 9:00 a.m. The landlord's agent attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions.

The landlord's agent testified that on May 13, 2016, a copy of the Application for Dispute Resolution and Notice of Hearing was sent to the tenant by registered mail. A registered mail tracking number was provided in support of service.

Based on the above evidence, I am satisfied that the tenant was served with the Application for Dispute Resolution and Notice of Dispute Resolution Hearing pursuant to sections 89 & 90 of the Act. The hearing proceeded in the absence of the tenant.

Issues

Is the landlord entitled to an order of possession for cause?

Background and Evidence

The one year fixed term tenancy began on August 1, 2015 with a monthly rent of \$1500.00 payable on the 1st day of each month.

The landlord testified that on April 6, 2016 the 1 Month Notice to End Tenancy for Cause was sent to the tenant by registered mail. A registered mail tracking number was provided in support of service.

Analysis

I am satisfied that the tenant was deemed served with the 1 Month Notice to End Tenancy for Cause on April 11, 2016, five days after it was mailed, pursuant to sections 88 & 90 of the Act.

Pursuant to section 47 of the *Act*, the tenant may make a dispute application within ten days of receiving the 1 Month Notice. If, as in the present case, the tenant does not make an application for dispute within ten days, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice, May 31, 2016.

Conclusion

I grant an Order of Possession to the landlord effective **two days after service of this Order** on the tenant. Should the tenant fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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: June 03, 2016

Residential Tenancy Branch