



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding LANGLEY LIONS SENIOR CITIZENS HOUSING SOCIETY  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPC

### Introduction

On May 3, 2016, the Landlord submitted an Application for Dispute Resolution for an order of possession. The matter was set for a conference call hearing at 1:30 p.m. on this date.

The Landlord and Tenant both attended the conference call hearing. The Landlord testified that the Notice of hearing was served on the Tenant in person on May 6, 2016. I find that the Tenant has been duly served in accordance with the Act. The Landlord and Tenant were provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions at the hearing.

### Preliminary issue

The Tenant stated that he submitted documentary evidence two hours prior to the hearing. Rule 3.15 of the Residential Tenancy Branch Rules of Procedure state that a respondent's evidence must be received by the RTB and the applicant not less than 7 days before the hearing. The Tenant was served with notice of this hearing on May 6, 2016, and had plenty of time to respond. The Tenant's evidence is not before me, or the applicant, and it will not be considered in this hearing.

### Issue to be Decided

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

### Background and Evidence

The tenancy agreement provided by the Landlord indicates that the tenancy began on September 4, 2015, as a month to month tenancy. Rent in the amount of \$345.00 is payable on the first of each month.

The Landlord testified that a 1 Month Notice to End Tenancy for Cause dated March 22, 2016, ("the Notice") was served on the Tenant by handing it to him in person on March 22, 2016.

The Notice states the Tenant must move out of the rental unit by April 30, 2016. The Notice informed the Tenant of the right to dispute the Notice within 10 days after receiving it. The Notice also informed the Tenant that if an application to dispute the Notice is not filed within 10 days, the Tenant is presumed to accept the Notice and must move out of the rental unit on the date set out on page 1 of the Notice.

There is no evidence before me that the Tenant made an application to dispute the Notice. The Tenant testified that he received the Notice on March 22, 2016, and that he did not read the information on the second page regarding his right to dispute the Notice. Section 66 of the Act does not permit an extension of the time limit to make an application for dispute resolution to dispute a notice to end a tenancy beyond the effective date of the notice.

The Landlord seeks an order of possession effective June 30, 2016.

### Analysis

Based on the evidence before me, the testimony of the parties, and on a balance of probabilities, I find that the Tenant did not apply to dispute the Notice, and is therefore conclusively presumed under section 47(5) of the Act to have accepted that the tenancy ended on April 30, 2016, the effective date of the Notice.

The Landlord asked that the Order of Possession be dated effective June 30, 2016. I find that the Landlord is entitled to an order of possession, pursuant to section 55 of the Act, effective at 1:00 pm on June 30, 2016, after service on the Tenant. This order may be filed in the Supreme Court and enforced as an order of that Court. The Tenant is cautioned that costs of such enforcement are recoverable from the Tenant.

### Conclusion

The Tenant did not file to dispute the 1 Month Notice To End Tenancy For Cause dated March 22, 2016. The Tenant is presumed under the law to have accepted that the tenancy ended on April 30, 2016, the effective date of the Notice.

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 06, 2016

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Residential Tenancy Branch