



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 an application by the landlord pursuant to the *Residential Tenancy Act*. The landlord applied for an order of possession and for the filing fee.

The landlord testified that he served the tenant with a notice of hearing on June 17, 2016 in person and reminded her of the hearing on the morning of the hearing date. Despite having been served a notice of hearing by the landlord, 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 tenancy started in July 2010. The monthly rent is \$375.00. The landlord testified that the tenant exhibited behavioural problems and on April 22, 2016, the landlord served the tenant with a one month notice to end tenancy for cause, by posting the notice on the door to the rental unit. The landlord filed a copy of the two page notice.

The tenant did not dispute the notice. The landlord stated that as of the date of the hearing, the tenant had not moved out. The landlord has applied for an order of possession effective on July 31, 2016.

Analysis

Based on the undisputed testimony and documentary evidence of the landlord, I find that the tenant is deemed to have received a valid notice to end tenancy, on April 25, 2016, and did not make application, 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 by 1:00pm on July 31, 2016. The Order may be filed in the Supreme Court for enforcement.

Conclusion

I grant the landlord an order of possession effective by 1:00pm on July 31, 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: July 12, 2016

Residential Tenancy Branch