



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC

### Introduction

This hearing convened as a result of the Landlord's Application for Dispute Resolution wherein the Landlord requested an Order of Possession based on a 1 Month Notice to End Tenancy for Cause issued on June 2, 2016 (the "Notice").

Only the Landlord appeared at the hearing. She gave affirmed testimony and was provided the opportunity to present her evidence orally and in written and documentary form, and to make submissions to me.

As the Tenant failed to attend service of the Application materials and Notice of Hearing was considered. The Landlord testified that she personally served the Tenant with the Notice of Hearing and the Landlord's Application on June 22, 2016. I accept the Landlord's undisputed testimony and find the Tenant was duly served as of June 22, 2016 and I proceeded with the hearing in his absence.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

### Issue

Is the Landlord entitled to an Order of Possession?

### Background Evidence

The Landlord testified that although the Tenant resided in other units within the same rental building the subject tenancy began May 1, 2016.

On June 2, 2016 the Landlord issued the Notice. Introduced in evidence was a Proof of Service Notice to End Tenancy confirming the Tenant was personally served on June 2, 2016.

The Landlord testified as to the reasons for issuing the Notice as follows:

- constant partying;
- constant traffic to the rental unit;
- allegations of drug dealing;
- fighting;
- continuous police attendance;
- police surveillance and arrest; and
- the property manager is required to attend the rental unit regularly due to complaints from other renters in the building.

The Notice explained the Tenant had 10 days in which to apply to dispute the Notice.

The Landlord confirmed that the Tenant failed to make an application to dispute the Notice.

### Analysis

Based on the documentary evidence, the undisputed testimony of the Landlord, and on the balance of probabilities, I find the following.

I accept the undisputed testimony of the Landlord that the Tenant was served with the Notice on June 2, 2016.

The Tenant did not apply to dispute the Notice and is conclusively presumed, pursuant to section 47(5) *Residential Tenancy Act* to accept the end of the tenancy and must vacate the rental unit.

The Landlord is entitled to an Order of Possession pursuant to section 55 of the *Residential Tenancy Act* which will be effective at **1:00 p.m.**, two days after service. This Order must be served on the Tenant and may be filed in the Supreme Court and enforced as an Order of that court.

### Conclusion

The Tenant failed to dispute the Notice and is conclusively presumed under section 47(5) of the *Residential Tenancy Act* to accept the end of the tenancy. The Landlord is granted an Order of Possession as requested.

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 22, 2016

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Residential Tenancy Branch

