



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding HFBC Housing Foundation  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPC

### Introduction

This is an application brought by the Landlord(s) requesting an Order of Possession based on a one-month Notice to End Tenancy that was given for cause.

The applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed on June 25, 2016; however the respondent did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent has been properly served with notice of the hearing and I therefore conducted the hearing in the respondent's absence.

All testimony was taken under affirmation.

### Issue(s) to be Decided

The issue is whether or not the applicant has established the right to an Order of Possession.

### Background and Evidence

The applicant testified that this tenancy began on February 1, 2011 and the present monthly rent is \$475.00, due on the first of each month.

The applicant further testified that the tenant was served with a one-month Notice to End Tenancy by registered mail that was mailed on June 7, 2016.

The applicant further testified that the tenant has filed no dispute of the Notice to End Tenancy, however she failed to vacate the rental unit on July 31, 2016 as required.

The applicant is therefore requesting an Order of Possession for as soon as possible.

### Analysis

It is my finding that the applicant has shown that the tenant was duly served with a one-month Notice to End Tenancy by registered mail which was mailed on June 7, 2016 and therefore is deemed received on June 12, 2016.

Section 47(5) of the Residential Tenancy Act states:

(5) If a tenant who has received a notice under this section does not make an application for dispute resolution in accordance with subsection (4), the tenant

(a) is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, and

(b) must vacate the rental unit by that date.

Therefore, in this case, since the tenant has failed to file any dispute of the Notice to End Tenancy, the tenant is conclusively presumed to have accepted that the tenancy ends.

I therefore allow the landlords request for an Order of Possession.

### Conclusion

Pursuant to section 55 of the Residential Tenancy Act I have issued an Order of Possession that is enforceable 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: August 03, 2016

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Residential Tenancy Branch

