



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC

### Introduction

This hearing was convened in response to an application by the Landlord for an order of possession pursuant to section 55 of the *Residential Tenancy Act* (the “Act”).

I accept the Landlord’s evidence that the Tenant was served with the application for dispute resolution and notice of hearing in person on July 1, 2016 in accordance with Section 89 of the Act. The Tenant did not attend the hearing. The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

### Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

### Background and Evidence

The tenancy started on April 1, 2015. Rent of \$750.00 is payable monthly. At the outset of the tenancy the Landlord collected \$375.00 as a security deposit.

On July 1, 2016 the Landlord served the Tenant in person with a one month notice to end tenancy for cause (the “Notice”). The effective date on the Notice is August 31, 2016. The Tenant did not dispute the Notice and verbally agreed to move out of the unit by September 2, 2016. The Landlord claims an order of possession to ensure the Tenant’s verbal agreement to move out of the unit. The Landlord provides a late copy of the Notice.

Analysis

Section 47 of the Act provides that if a tenant who has received a notice to end tenancy for cause does not make an application for dispute resolution within 10 days of receiving the notice the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, and must vacate the rental unit by that date. Based on the undisputed evidence that the Tenant was served with the Notice, did not dispute the Notice and did not move out on the effective date of the Notice I find that the Landlord is entitled to an order of possession.

Conclusion

**I grant** an Order of Possession to the Landlord. The Tenant must be served with this **Order of Possession**. Should the Tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

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: September 01, 2016

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Residential Tenancy Branch