



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute codes OPC FF

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- an order of possession for cause pursuant to section 55;

The hearing was conducted by conference call. The tenant did not attend this hearing, although I waited until 9:15 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 9:00 a.m. The landlords attended the hearing and were given a full opportunity to be heard, to present evidence and to make submissions.

The landlords testified that on August 8, 2016, they served the tenant with a copy of the Application for Dispute Resolution and Notice of Hearing by posting it to the door of the rental unit. Both landlords were present when the Notice was posted.

Based on the above evidence, I am satisfied that the tenant was served with the Application for Dispute Resolution and Notice of Dispute Resolution Hearing pursuant to sections 89 & 90 of the Act. The hearing proceeded in the absence of the tenant.

Issues

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

Background and Evidence

The tenancy began approximately May 2015 with a monthly rent of \$900.00 payable on the 1st day of each month. The tenant paid a security deposit of \$450.00 at the start of the tenancy which the landlord continues to hold.

The landlord testified that on July 1, 2016 the tenant was personally served with the 1 Month Notice to End Tenancy for Cause. Both landlords were present at the time of service of the 1 Month Notice.

Analysis

I am satisfied that the tenant was personally served with the 1 Month Notice to End Tenancy for Cause on July 1, 2016 pursuant to section 88 of the Act.

Pursuant to section 47 of the *Act*, the tenant may make a dispute application within ten days of receiving the 1 Month Notice. If, as in the present case, the tenant does not make an application for dispute within ten days, the tenant is conclusively presumed to have accepted that the tenancy ended on the corrected effective date of the Notice, August 31, 2016.

Therefore, I find that the landlord is entitled to an Order of Possession pursuant to section 55 of the Act.

Conclusion

I grant an Order of Possession to the landlord effective **two days after service of this Order** on the tenant. Should the tenant fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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 22, 2016

Residential Tenancy Branch