



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding HOTEL AVALON
and [tenant name suppressed]

DECISION

Dispute codes OPC

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. All named parties attended the hearing. The tenant acknowledged service of the application for dispute resolution including the Notice of Hearing.

Issues

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

Background and Evidence

The tenancy began on November 1, 2015 with a monthly rent of \$440.00 payable on the 1st day of each month.

The landlord testified that on July 27, 2016 the tenant was served with the 1 Month Notice to End Tenancy for Cause by posting a copy to the door of the rental premises. The tenant acknowledged receipt of the 1 Month Notice to End Tenancy but was not sure of date as he was also served a 10 Day Notice to End Tenancy for unpaid rent.

The tenant states he was unaware of the process that he was required to file an application to dispute the 1 Month Notice to End Tenancy. The tenant was relying on the landlord's application in order to dispute the reasons for the issuance of the Notice.

Analysis

I am satisfied that the tenant was deemed served with the 1 Month Notice to End Tenancy for Cause on July 30, 2016, three days after its posting, pursuant to sections 88 & 90 of the Act.

Section 47 of the Act contains provisions by which a landlord may end a tenancy for cause by giving a notice to end tenancy. Under this section, 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 effective date of the Notice, August 31, 2016.

The tenant's argument that he was not aware of the process requiring him to file an application to dispute the Notice is unfortunately not a valid ground for not following the applicable law. Further, the 1 Month Notice to End Tenancy served on the tenant clearly indicates the timelines and requirements for the tenant to dispute the notice and the consequences of failing to do so.

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: October 28, 2016

Residential Tenancy Branch