



# 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;
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

The hearing was conducted by conference call. All named parties attended the hearing.

### Preliminary Issue – Request for Adjournment/Amendment to application

The tenant requested an adjournment stating she was not able to defend herself as she has not had access to the rental unit due to a "do not occupy" order placed on the unit by the City of Vancouver.

The adjournment request was denied as the application is for an order of possession based on an undisputed 1 Month Notice to End Tenancy.

The landlord waived its application for recovery of the filing fee.

### Issues

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

### Background and Evidence

The rental unit is a 1 bedroom unit under subsidized housing. The tenancy began on July 1, 2008 with a monthly rent of \$328.00 payable on the 1<sup>st</sup> day of each month.

The landlord testified that on August 24, 2016 the tenant was personally served with the 1 Month Notice to End Tenancy for Cause.

The tenant acknowledged receipt of the Notice as above.

### Analysis

I am satisfied that the tenant was personally served with the 1 Month Notice to End Tenancy for Cause on August 24, 2016, pursuant to section 88 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, September 30, 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: November 03, 2016

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Residential Tenancy Branch