



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CREIGHTON & ASSOCIATES REALTY
and [tenant name suppressed to protect privacy]

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

The landlord testified that on October 27, 2016 a copy of the Application for Dispute Resolution and Notice of Hearing was sent to the tenants by registered mail. Registered mail tracking numbers were provided in support of service.

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 tenants.

Issues

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

Background and Evidence

The tenancy began on February 1, 2002 and the current monthly rent is \$1125.00 payable on the 1st day of each month.

The landlord testified that the 1 Month Notice was served to the tenants in person by the building manager on August 31, 2016. The landlord testified that on September 6, 2016,

a copy of the 1 Month Notice to End Tenancy for Cause was also sent to the tenants by regular mail.

Analysis

I am satisfied that the tenants were personally served with the 1 Month Notice to End Tenancy for Cause on August 31, 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, October 31, 2016.

I find that the Notice issued on August 31, 2016 complies with the requirements of Section 52 of the Act, accordingly, the landlord is granted 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: December 14, 2016

Residential Tenancy Branch