



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC

### Introduction

The Application for Dispute Resolution filed by the landlord makes a claim for an Order for Possession for cause.

A hearing was conducted by conference call in the presence of a representative of the applicant and in the absence of the respondent although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I accept the testimony of the representative of the landlord testified he witnessed the manager serve the one month Notice to End Tenancy in the approved government form on the Tenant on October 28, 2016 even though he failed to provide a copy of that form. Further I find that the Application for Dispute Resolution/Notice of Hearing was served the Tenant by mailing, by registered mail to where the Tenant resides on December 4, 2016. A search of the Canada Post tracking service indicates the Tenant signed for the documents on December 13, 2016. With respect to each of the applicant's claims I find as follows:

### Issue(s) to be Decided

The issue to be decided is whether the landlord is entitled to an Order for Possession?

### Background and Evidence

The parties entered into a written tenancy agreement that provided that the tenancy would start on October 26, 2015. The rent is \$450 per month payable on the first day of each month. The tenant paid a security deposit of \$225 at the start of the tenancy. The tenant continues to live in the rental unit. The rent was paid by the Ministry for January 2017 and was accepted for "use and occupation only."

### Analysis - Order of Possession:

I determined the landlord was entitled to an Order for Possession. The landlord served a one month Notice to End Tenancy on the Tenant on October 28, 2016. The Tenant has not made an application to set aside the Notice to End Tenancy and the time to do so has expired. In such situations the Residential Tenancy Act provides 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. Accordingly, I granted the landlord an Order for Possession effective January 31, 2017.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

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: January 09, 2017

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Residential Tenancy Branch