



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding HFBC HOUSING FOUNDATION  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR,

### Introduction

The landlord applies for an order of possession pursuant to a one month Notice to End Tenancy for cause dated February 2, 2017.

The tenant did not attend the hearing within ten minutes after its scheduled start time. He did not file any material in opposition to the application.

Ms. C.I. for the landlord shows that the tenant was served with the application for dispute resolution and notice of hearing by registered mail to the rental unit, which he continues to occupy. Canada Post records (tracking number shown on cover page of this decision) show that the application package was mailed to the tenant on February 23, 2017 and that he received and signed for it on February 28, 2017. On this evidence I find that the tenant has been duly served.

Ms. C.I. testifies that the Notice to End Tenancy was also served on the tenant by registered mail (tracking number also shown on cover page of this decision). Canada Post records show that the mail containing the Notice was received and signed for by the tenant on February 27, 2017. Ms. C.I. says the tenant has not applied to cancel the Notice.

On this evidence I find that by operation of s. 47 of the *Residential Tenancy Act* (the "Act"), the Notice has resulted in this tenancy coming to an end.

The Notice claims its effective date, the date the tenant must vacate, to be March 2, 2017, a month after the Notice was dated by the landlord. This effective date is not in accord with s. 47. As the tenant's rent is payable on the first of each month, the earliest the Notice could be effective was the end of the following rental period. That would be the end of March 2017. By virtue of s. 53 of the *Act* the Notice is automatically corrected to the earliest lawful date.

As a result, this tenancy will end on March 31, 2017 and the landlord will have an order of possession for one o'clock in the afternoon on that date.

There is no claim for recovery of any filing fee.

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: March 21, 2017

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Residential Tenancy Branch