



# Dispute Resolution Services

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## Residential Tenancy Branch Office of Housing and Construction Standards

A matter regarding MCLAREN HOUSING SOCIETY  
and [tenant name suppressed to protect privacy]

### **DECISION**

Dispute Codes opc

#### Introduction

The landlord has applied for dispute resolution regarding the above noted address, and requests an Order of Possession, based upon an undisputed one month Notice to End Tenancy.

The tenant did not attend the hearing. I accept that the tenant was properly served with the one month Notice to End Tenancy, which was personally served to the tenant on January 26, 2017. I also accept that tenant was properly served with the landlord's application, which was posted on the tenant's door, satisfying the requirements of section 89(2)(d) of the Residential Tenancy Act. The tenant is deemed to have received same by virtue of section 90.

#### Issues to Be Decided

- Is the landlord entitled to an Order of Possession?

#### Background and Evidence

A one month Notice To End Tenancy was given to the tenant, effective to end the tenancy on February 28, 2017. No dispute of the notice was ever filed. As this hearing had not yet occurred, rent for March was accepted by the landlord.

#### Analysis

Section 47(5) of the Residential Tenancy Act, provides that when a tenant does not make application to dispute a notice to end the tenancy for cause within the time required, the tenant is conclusively deemed to have accepted that the tenancy ends on the effective date of the notice. The acceptance of March's rent serves to extend the end of the tenancy to March 31, 2017. Accordingly on this basis, this tenancy shall end March 31, 2017. The landlord has established a right to possession on that date.

#### Conclusion

Pursuant to Section 55(2)(b) of the Residential Tenancy Act, I issue an Order of Possession effective March 31, 2017. Should the tenant be served with, but fail to comply with this Order, the landlord may register the Order with the Supreme Court 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: March 24, 2017

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Residential Tenancy Branch