



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding M'akola Housing Society
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

OPC, FF

Introduction

The hearing was convened in response to an Application for Dispute Resolution, in which the Landlord applied for an Order of Possession for Cause and to recover the fee for filing this Application.

The Agent for the Landlord stated that on March 08, 2017 the Application for Dispute Resolution, the Notice of Hearing, the evidence submitted to the Residential Tenancy Branch on March 09, 2017 were sent to the Tenant, via express post. The Agent for the Landlord cited a Canada Post tracking number that corroborates this testimony. The Agent for the Landlord stated that the mailing required the Tenant to sign for receipt of the package and that the Canada Post website shows the Tenant signed for the package on March 09, 2017.

On the basis of the undisputed testimony, I find that the Tenant was served with these documents in accordance with section 89 of the *Residential Tenancy Act (Act)* and the hearing proceeded in the absence of the Tenant.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession?

Background and Evidence

The Agent for the Landlord stated that:

- this tenancy began on July 08, 2016;
- the rent was due by the first day of each month; and
- a One Month Notice to End Tenancy was posted on the door of the rental unit on January 03, 2017.

The One Month Notice to End Tenancy for Cause, which appears to comply with section 52 of the *Act*, was submitted in evidence. This Notice declares that the rental unit must be vacated by February 28, 2017.

Analysis

On the basis of the undisputed evidence I find that a One Month Notice to End Tenancy for Cause, served pursuant to section 47 of the *Act*, was posted on the door of the rental unit on January 03, 2017. Pursuant to section 90 of the *Act*, I find that this Notice is deemed to have been received by the Tenant on January 06, 2017.

Section 47(5) of the *Act* stipulates that tenants are conclusively presumed to have accepted that the tenancy ends on the effective date of a notice received pursuant to section 47 of the *Act* and that the tenants must vacate the rental unit by that date unless the tenant disputes the notice within ten days of receiving it. As there is no evidence that the Tenant filed an application to dispute the Notice to End Tenancy that is the subject of these proceedings, I find that the Tenants accepted that the tenancy was ending on the effective date of the Notice, pursuant to section 47(5) of the *Act*.

As the rental unit has not been vacated and the effective date of the Notice to End Tenancy was February 28, 2017, I grant the Landlord an Order of Possession.

I find that the Application for Dispute Resolution has merit and that the Landlord is entitled to recover the cost of filing this Application for Dispute Resolution.

Conclusion

I grant the Landlord an Order of Possession that is effective two days after it is served upon the Tenant. This Order may be served on the Tenant, filed with the Supreme Court of British Columbia, and enforced as an Order of that Court.

The Landlord has established a monetary claim, in the amount of \$100.00, in compensation for the fee paid to file this Application for Dispute Resolution. Based on these determinations I grant the Landlord a monetary Order for \$100.00. In the event that the Tenant does not comply with this Order, it may be served on the Tenant, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

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: April 04, 2017

Residential Tenancy Branch