



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ATIRA PROPERTY MANAGEMENT
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* ("Act") for an Order of Possession for cause pursuant to section 55.

The tenant did not attend this hearing, which lasted approximately 10 minutes. The corporate landlord was represented by its agent (the "landlord") who confirmed he had full authority to represent the landlord. The landlord was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The landlord testified that a 1 Month Notice to End Tenancy for Cause (the "1 Month Notice"), dated February 26, 2017 was served on the tenant by posting on the rental unit door, on that date. In accordance with sections 88 and 90 of the *Act*, I find that the tenant was served with the landlord's 1 Month Notice on March 1, 2017, three days after posting.

The landlord testified that the landlord's application for dispute resolution dated April 6, 2017 was served on the tenant by registered mail on that same date. The landlord provided a Canada Post tracking number as evidence of service. I find that the tenant was served with the landlord's application and evidentiary materials, in accordance with sections 88 and 89 of the *Act*, on April 11, 2017, five days after mailing.

Issue(s) to be Decided

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

Background and Evidence

The landlord provided undisputed testimony regarding the following facts. This month-to-month tenancy began in September, 2015. The current monthly rent is \$375.00

payable on the first of each month. A security deposit of \$187.50 was paid by the tenant at the start of the tenancy and is still held by the landlord.

The tenant was advised, both verbally and in writing, numerous times throughout the tenancy to remove garbage and personal belongings from the rental unit and hallways of the rental building. The landlord testified that the tenant's hoarding creates a hazard by blocking access and attracts vermin. The landlord said the tenant's behaviour has seriously jeopardized the health and safety of other occupants of the rental building.

Analysis

The landlord provided undisputed evidence at this hearing, as the tenant did not attend.

Section 47 of the *Act* provides that upon receipt of a notice to end tenancy for cause, the tenant may, within 10 days, dispute the notice by filing an application for dispute resolution with the Residential Tenancy Branch. I find that the tenant has failed to file an application for dispute resolution within the 10 days of service granted under section 47(4) of the *Act*. Accordingly, I find that the tenant is conclusively presumed under section 47(5) of the *Act* to have accepted that the tenancy ended on the effective date of the 1 Month Notice, February 28, 2017.

I find that the landlord's 1 Month Notice meets the form and content requirements of section 52 of the *Act* as it is in the approved form and clearly identifies the parties, the address of the rental unit, the effective date of the notice and the reasons for ending the tenancy. Therefore, I find that the landlord is entitled to an Order of Possession pursuant to section 55 of the *Act*. As the effective date of the 1 Month Notice has passed, I issue a 2 day Order of Possession.

Conclusion

I grant an Order of Possession to the landlord effective **2 days after service on the tenant**. Should the tenant or any occupant on the premises 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: May 10, 2017

Residential Tenancy Branch