



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding MAINSTREET EQUITY CORP.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC FF

Introduction

This hearing was convened in response to an application by the landlord under the *Residential Tenancy Act* (the Act) for an Order of Possession and to recover the filing fee. The hearing was conducted by conference call.

The landlord's agent attended the hearing. Although the tenant was served in accordance with Section 89 of the Act with the application for dispute resolution and Notice of Hearing sent by registered mail on May 08, 2017, and further personally served on the tenant, they did not call into the conference call hearing and did not participate in the hearing with any submissions of evidence. The landlord provided proof of registered mail service they also sent the tenant their evidence submissions as they provided to this proceeding. The landlord confirmed the tenant continues to reside in the unit and testified the tenant has acknowledged to the landlord receiving the Notice of Hearing and the landlord's evidence.

Issues(s) to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

This tenancy began in November 2016. On March 08, 2017 the tenant was issued a One month Notice to End Tenancy for Cause pursuant to **Section 47(d)(ii)&(iii)**, with an effective date of April 30, 2017. The landlord submitted a proof of service document stating the landlord's agent in attendance accompanied by a representative of the landlord personally posted the Notice to End on the tenant's door on March 08, 2017. The tenant has not filed an application to dispute the Notice to End Tenancy.

Analysis

Section 47 of the Act provides that if a tenant does not apply to dispute a one Month Notice to End Tenancy for cause within 10 days after receiving it, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice and must vacate the rental unit by that date. The Notice to End Tenancy required the tenant to vacate the rental unit by April 30, 2017.

I find the tenant was served with the Notice. I find the Notice complies with Section 52. I find the tenant has not disputed the notice and has not vacated the unit, although the effective date of the Notice has passed. I find that the landlord is therefore entitled to an Order of Possession effective 2 days from the day it is served on the tenant. However the landlord has requested the Order be effective June 30, 2017.

I grant an Order of Possession to the landlord effective June 30, 2017. The tenant must be served with this Order of Possession. Should the tenant fail to comply with the Order, the Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

As the landlord has been successful in this matter they are entitled to recover their filing fee from the tenant, if they choose to do so.

I Order the landlord may deduct **\$100.00** from the tenant's security deposit in satisfaction of the filing fee.

Conclusion

The landlord's application is granted.

This Decision is final and binding.

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: June 14, 2017

Residential Tenancy Branch