



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding PACIFICA HOUSING ADVISORY ASSOCIATION  
and [tenant name suppressed to protect privacy]

## **DECISION**

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### Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord to end the tenancy earlier and obtain an order of possession.

The landlord attended the hearing. As the tenant did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered.

The Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The landlord's agent testified the Application for Dispute Resolution and Notice of Hearing was sent by registered mail sent on June 9, 2017 and successfully delivered to the tenant on June 13, 2017, a Canada post tracking number was provided as evidence of service. I find that the tenant has been duly served in accordance with the Act.

### Preliminary and procedural matter

On May 10, 2017, the tenant was served, by posting to the door, a One Month Notice to End Tenancy for Cause, with an effective date of June 30, 2017. The landlord's agent stated that the tenant acknowledged it was received by attending their office. The tenant did not dispute the notice.

On June 2, 2017, the landlord filed an application to end tenancy earlier and obtain an order of possession; however, the first available date to hear the matter was June 30, 2017, which is the effective date of the above notice to end tenancy.

As the tenant did not file an Application to Dispute the One Month Notice to End Tenancy for Cause, and based on that notice the tenancy legally ends today, I find not necessary to consider the merits of landlord's application to end the tenancy earlier as the tenancy has legally ended in accordance with section 47 of the Act.

I further find it is appropriate to grant the landlord an order of possession for June 30, 2017 at 1:00pm, pursuant to section 47, 55 and 62 of the Act. I find this is not unfair or prejudicial to the tenant, since the tenant was served with the landlord's application for today's hearing and the notice issued on May 10, 2017, and aware of the effective date.

I have reviewed the notice to end tenancy pursuant to section 47 of the Act, and the notice complies with section 52, is valid and fully enforceable.

### **Order of possession for the landlord**

**55** (1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant to the landlord an order of possession of the rental unit if

- (a) the landlord's notice to end tenancy complies with section 52 [*form and content of notice to end tenancy*], and
- (b) the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.

### **Conclusion**

The landlord is granted an order of possession.

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 30, 2017

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**Residential Tenancy Branch**