



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding MILORAD BESIR
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC

Preliminary matters

At the start of the conference call the Tenants said they did not file an application to dispute the 1 Month Notice to End Tenancy for Cause dated April 1, 2017. The female Tenant said they were very busy with family and other things so they did not have time to make an application to dispute the Notice to End Tenancy. The Landlord said he served the 1 Month Notice to End Tenancy for Cause on April 1, 2017 and the Landlord submitted a Proof of Service indicating the Notice to End Tenancy was served in the mail slot on April 1, 2017. The Proof of Services is witnessed and signed.

The Tenants continued to say they did not know they had to file an application to dispute the Notice to End Tenancy. The Tenants' Counsel said that they did not have page two of the Notice to End Tenancy so the Tenant did not have the correct information to file an application. The Landlord said he gave the Tenants both pages of the Notice to End Tenancy on April 1, 2017. The Tenants did not submit any evidence to dispute the Landlord's testimony or evidence.

The Tenants' support worker asked the Landlord if the Tenants could stay in the unit until July 31, 2017. The Landlord said he was authorized to extend the tenancy to July 15, 2017. The Tenants said they paid the rent for July, 2017 and they need time to find a new rental unit. As the Landlord accepted the rent for July, 2017 the Landlord was ordered to extend the tenancy to July 31, 2017.

Section 47(4) of the Act states that **within 10 days of receiving** a Notice to End Tenancy for Cause, a tenant must apply for dispute resolution. If the tenant fails to make an application, then under section 47(5) of the Act, they are conclusively presumed to have accepted that the tenancy ends on the effective date of the Notice and they must vacate the rental unit at that time.

Under s. 90 of the Act, the Tenants are deemed to have received the Notice to End Tenancy 3 days after it was put in the mail slot, or on April 3, 2017. Consequently, the Tenants would have had to apply to dispute the Notice to End Tenancy no later than April 13, 2017.

I find that the Tenants have not applied for dispute resolution. Consequently, I find pursuant to s. 55(2) (b) of the Act that the Landlord is entitled to an Order of Possession to take effect July 31, 2017.

Conclusion

An Order of Possession effective July 31, 2017 has been issued to the Landlord. A copy of the Order must be served on the Tenants: the Order of Possession may be enforced in 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: July 04, 2017

Residential Tenancy Branch