



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding GATEWAY PROPERTY MANAGEMENT CORP, CASA MIA APT  
and [tenant name suppressed to protect privacy]

## **DECISION**

### **Dispute Codes**

OPC

### **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. 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 sent on May 26, 2017 the tenant did not call into the conference and did not participate in the hearing. The landlord testified they also sent the tenant all evidence submitted to this proceeding along with the Notice of Hearing package. The landlord provided proof of the registered mail service with tracking number and testified the tracking information indicated the mail had been received.

### **Issues(s) to be Decided**

Is the landlord entitled to an Order of Possession?

### **Background and Evidence**

This tenancy began in 2014. On April 26, 2017 the tenant was personally served with a

One month Notice to End Tenancy for Cause pursuant to **Section 47(c)(d)&(e)**, with a stated effective date of May 30, 2017. The landlord submitted a proof of service document stating the landlord's agent accompanied by a witness personally left the Notice to End with the tenant at the tenant's rental unit on April 26, 2017. The tenant did not file an application to dispute the Notice to End Tenancy. The tenant still resides in the unit.

**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 an automatically adjusted date of May 31, 2017.

I find the tenant was served with the Notice. I find the Notice complies with Section 52 of the Act. 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.

**I grant an Order of Possession** to the landlord **effective 2 days** from the day it is served on the tenant. 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.

**Conclusion**

The landlord's application is granted. The landlord is issued an Order of Possession.

**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: July 12, 2017

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Residential Tenancy Branch