



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding GUR AASRA HOLDINGS LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC AAT CNC ERP LAT LRE MT O

Introduction

Pursuant to section 58 of the *Residential Tenancy Act* (the *Act*), I was designated to hear this matter. This hearing dealt applications from both parties:

The landlord applied for:

- an Order of Possession pursuant to section 55 of the *Act* for cause.

The tenant applied for:

- more time to dispute a landlord's notice to end tenancy pursuant to section 66;
- cancellation of the landlord's notice to end tenancy pursuant to section 55;
- an Order for the landlord to make emergency repairs pursuant to section 33;
- an Order suspending the landlord's right to enter the rental unit pursuant to section 70;
- an Order allowing the tenant authorization to change the locks on the unit pursuant to section 70;
- an Order allowing the tenant access to the unit for himself and his guests pursuant to section 70; and
- other unspecified Orders.

Only the landlord's agent, G.P., (the "landlord") attended the hearing. The landlord was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

The landlord gave sworn testimony that a 1 Month Notice to End Tenancy for Cause ("1 Month Notice") was posted on the tenant's door on May 25, 2017. Pursuant to sections

88 & 90 of the *Act*, the tenant is found to have been served with the 1 Month Notice on May 28, 2017, three days after its posting.

On June 16, 2017 the landlord sent the tenant an application for dispute resolution along with a copy of his evidentiary package by way of Canada Post Registered Mail. A copy of the Canada Post tracking number and receipt were provided at the hearing as part of the landlord's evidentiary package. Pursuant to sections 88, 89 & 90 of the *Act* the tenant is found to have been served with this package and documents on June 21, 2017, five days after their posting.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

The landlord gave undisputed oral testimony and provided a copy of the tenancy agreement demonstrating that the tenancy in question began on March 1, 2017. Rent was \$850.00 and a security deposit of \$425.00 was collected at the outset of the tenancy.

The landlord explained that the tenant vacated the rental unit without any notice "around the end of July." The landlord noted that he continued to pursue an Order of Possession because of continuing concerns he had regarding the tenant's behaviour in the rental unit.

Analysis – Order of Possession

Section 47 of the *Act* provides that upon receipt of a notice to end tenancy for cause the tenant may, within ten days, dispute the notice by filing an application for dispute resolution with the Residential Tenancy Branch. I find that while the tenant has filed an application for dispute resolution within the ten days of service granted under section 47(4) of the *Act*, he has failed to attend the hearing to present any evidence disputing the landlord's notice. In addition, the landlord explained that the tenant had vacated the suite without notice "towards the end of July." 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, June 30, 2016.

I am therefore issuing an Order of Possession to the landlords effective 2 days after service on the tenant.

Conclusion

I am granting the landlord an Order of Possession to be effective two days after notice is served to the tenant. The landlord is provided with formal Orders in the above terms. Should the tenant fail to comply with these Orders, these Orders may be filed and enforced as Orders of the Provincial Court of British Columbia.

All aspects of the tenant's application are dismissed without leave to re-apply.

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: August 8, 2017

Residential Tenancy Branch