



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *OPC, MND, MNR, MNDC, FF, O*

Introduction

This hearing dealt with applications by the landlord and the tenant, pursuant to the *Residential Tenancy Act*. The landlord applied for an order of possession and for a monetary order for unpaid rent and lost items. The tenant applied for “other” and explained that the application was to cancel a verbal notice of eviction.

The landlord served the tenant with the hearing package on July 08, 2017 by registered mail and filed a copy of the tracking slip. Despite having been served with the notice of hearing and having made application for dispute resolution, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions. Since the tenant did not attend the hearing, the tenant’s application is dismissed.

During the hearing, the landlord stated that she wished to withdraw her application for a monetary order. Accordingly, this hearing only dealt with the landlord’s application for an order of possession.

Issues

Is the landlord entitled to an order of possession or should the notice to end tenancy be set aside? Did the tenant apply to dispute the notice to end tenancy?

Analysis

The landlord testified that the rental unit was owned by her father who passed away on May 05, 2016 and in his will, he named her as executor of his estate. The landlord’s brother lived in the rental unit for about 20 years. In April 2017, the landlord and her brother entered into a tenancy agreement. The monthly rent is \$300.00 due in advance on the first day of each month.

On June 02, 2017, the landlord served the tenant in person with a one month notice to end tenancy for cause with an effective date of July 31, 2017. The tenant did not make application to dispute the notice and as of the date of this hearing was still in occupation

of the rental unit. The landlord applied for an order of possession effective 2 days after service on the tenant.

Analysis

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim. The tenant received the notice to end tenancy on June 02, 2017 and did not make application to dispute the notice.

Pursuant to section 47 (5) of the *Residential Tenancy Act*, if a tenant has received a notice to end tenancy for cause and does not make an application for dispute resolution within ten days after receiving the notice, the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice and must vacate the rental unit by that date.

Therefore, the landlord is entitled to an order of possession and pursuant to section 55(2); I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

Conclusion

I grant the landlord an order of possession two days after service on the tenant.

The tenant's application is dismissed in its entirety.

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 01, 2017

Residential Tenancy Branch