



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding SATGURU ENTERPRISES LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* ("Act") for an Order of Possession for cause pursuant to section 55.

The tenant did not attend this hearing, which lasted 10 minutes. The corporate landlord was represented by its agent SG (the "landlord") who was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The landlord testified that a 1 Month Notice to End Tenancy for Cause (the "1 Month Notice"), dated May 31, 2017 was served on the tenant in person on that date. In accordance with section 88 of the *Act*, I find that the tenant was served with the landlord's 1 Month Notice on May 31, 2017.

The landlord testified that the landlord's application for dispute resolution dated July 5, 2017 was served on the tenant by registered mail sent on that same date. The landlord provided a Canada Post tracking number as evidence of service. I find that the tenant was deemed served with the landlord's application in accordance with sections 89 and 90 of the *Act*, on July 10, 2017, five days after mailing.

Issue(s) to be Decided

Is the landlord entitled to an order of possession for cause?

Background and Evidence

The landlord provided undisputed testimony regarding the following facts. This month-to-month tenancy began a couple of years ago. The current monthly rent is \$800.00 payable on the first of each month.

The landlord testified that the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord and adversely affected their quiet enjoyment by allowing an unreasonable number of guests over at all hours.

Analysis

The landlord provided undisputed evidence at this hearing, as the tenant did not attend.

Section 47 of the *Act* provides that upon receipt of a notice to end tenancy for cause, the tenant may, within 10 days, dispute the notice by filing an application for dispute resolution with the Residential Tenancy Branch. I find that the tenant has failed to file an application for dispute resolution within the 10 days of service granted under section 47(4) of the *Act*. Accordingly, I find that the tenant is conclusively presumed under section 47(5) of the *Act* to have accepted that the tenancy ends on the effective date of the 1 Month Notice, July 1, 2017.

I find that the landlord's 1 Month Notice meets the form and content requirements of section 52 of the *Act* as it is in the approved form and clearly identifies the parties, the address of the rental unit, the effective date of the notice and the reasons for ending the tenancy. Therefore, I find that the landlord is entitled to an Order of Possession pursuant to section 55 of the *Act*. As the effective date has passed I issue an Order of Possession effective two days after service.

Conclusion

I grant an Order of Possession to the landlord effective **two days after service**. Should the tenant or any occupant on the premises fail to comply with this Order, this Order may be filed and enforced as an Order of 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: September 14, 2017

Residential Tenancy Branch