



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPL

### Introduction

This hearing dealt with the landlord's application for an Order of Possession based on a One Month Notice to End Tenancy for Cause (the One Month Notice) pursuant to sections 47 and 55 of the *Residential Tenancy Act* (the *Act*).

The tenant did not attend this hearing, although I waited until 1:42 p.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 1:30 p.m. The landlord's agents attended the hearing and were given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. The Tenancy Coordinator A.F. (the landlord) indicated that she would be the primary speaker on behalf of the landlord.

The landlord testified that the Landlord's Application for Dispute Resolution (the Application) and evidentiary package was sent to the tenant by way of registered mail on September 05, 2017. The landlord provided a copy of the Canada Post Tracking Number to confirm this registered mailing. In accordance with sections 88, 89 and 90 of the *Act*, I find that the tenant was deemed served with the Application and evidentiary package on September 10, 2017, the fifth day after its registered mailing.

The landlord testified that a One Month Notice was sent by registered mail to the tenant on August 16, 2017. The landlord provided a copy of the Canada Post Tracking Number to confirm this registered mailing. In accordance with sections 88 and 90 of the *Act*, I find the One Month Notice was deemed served to the tenant on August 21, 2017, five days after its mailing.

### Issues(s) to be Decided

Is the landlord entitled to an Order of Possession based on the One Month Notice?

### Background and Evidence

The landlord gave written evidence that this tenancy began on June 08, 2016, with a monthly tenant rent contribution of \$850.00, due on the first day of each month. The landlord testified they continue to retain a security deposit of \$425.00.

A copy of the signed One Month Notice, dated August 16, 2017, with an effective date of September 30, 2017, was included in the landlord's evidence. The landlord cited the following reason for the issuance of the One Month Notice:

*Tenant or a person permitted on the property by the tenant has:*

- *seriously jeopardized the health or safety or lawful right of another occupant or the landlord;*

The landlord testified that the tenant is still in the rental unit.

### Analysis

Section 47 of the *Act* establishes that a landlord may issue a One Month Notice to end a tenancy when the landlord has cause to do so.

Section 47(4) and (5) of the *Act* stipulates that a tenant who has received a notice under this section, who does not make an application for dispute resolution within 10 Days after the date the tenant receives the notice, 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.

Based on the landlord's undisputed evidence and affirmed testimony, I find the tenant did not make an application pursuant to section 47(4) of the *Act* within 10 days of receiving the One Month Notice. In accordance with section 47(5) of the *Act*, due to the failure of the tenant to take this action within 10 days, I find the tenant is conclusively presumed to have accepted that the tenancy ended on September 30, 2017, the effective date on the One Month Notice. In this case, the tenant and anyone on the premises were required to vacate the premises by September 30, 2017. As this has not occurred, I find that the landlord is entitled to a two (2) day Order of Possession.

### Conclusion

I grant an Order of Possession to the landlord effective **two days after service of this Order** on the tenant. Should the tenant(s) or anyone 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: October 24, 2017

---

Residential Tenancy Branch