



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding SWAPAN KUMAR BOSE  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPC

### Introduction

This matter dealt with an application by the Landlord to end a tenancy and for an Order of Possession.

The Landlord said he served the Tenant with the Application and Notice of Hearing (the "hearing package") by personal delivery on June 1, 2018. Based on the evidence of the Landlord, I find that the Tenant was served with the Landlord's hearing package as required by s. 89 of the Act and the hearing proceeded with both the Landlord and the Tenant in attendance.

### Issues(s) to be Decided

1. Does the Landlord have grounds to end the tenancy?

### Background and Evidence

This tenancy started on August 1, 2017 as a month to month tenancy. Rent is \$800.00 per month payable on the 1<sup>st</sup> day of each month. The Tenant paid a security deposit of \$400.00 at the start of the tenancy.

The Landlord said he issued a 1 Month Notice to End Tenancy for Cause dated May 8, 2018 by personal delivery to the Tenant on May 8, 2018. The Notice to End Tenancy has an effective vacancy date of June 6, 2018, which is automatically correct pursuant to section 53 of the Act to June 30, 2018. The Landlord continued to say he issued the Notice because the Tenant had repeatedly late payments and subletting the unit.

The Tenant said he has not made an application to dispute the Notice to End Tenancy or the Landlord's application. The Tenant said he understands the tenancy will end because he did not dispute the Notice to End Tenancy, but because he has paid the rent for July 2018, he requested to continue the tenancy until July 31, 2018.

The Landlord said he would continue the tenancy until July 31, 2018.

### Analysis

Section 47(4) of the Act states that **within 10 days of receiving** a Notice to End Tenancy for Cause, a Tenant may apply for dispute resolution. If the Tenant fails to do this, then under section 47(5) of the Act, they are conclusively presumed to have accepted that the tenancy ends on the effective date of the Notice and they must vacate the rental unit at that time.

Under s. 90 of the Act, the Tenant is deemed to have received the Notice to End Tenancy on the day it was served, or on May 8, 2018. Consequently, the Tenant would have had to apply to dispute the Notice by May 18, 2018.

I find that the Tenant has not applied for dispute resolution. Consequently, I find pursuant to s. 55(2)(b) of the Act that the Landlord is entitled to an Order of Possession to take effect July 31, 2018 at 1:00 p.m.

### Conclusion

An Order of Possession effective July 31, 2018 at 1:00 p.m. has been issued to the Landlord. A copy of the Order must be served on the Tenant: the Order of Possession may be enforced in 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: July 4, 2018

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Residential Tenancy Branch