



Dispute Resolution Services

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Residential Tenancy Branch Office of Housing and Construction Standards

A matter regarding RAINCITY HOUSING AND SUPPORT SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC FF

Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution. The participatory hearing was held on October 2, 2018. The Landlord applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order of possession based on a One Month Notice to End Tenancy for Cause

The Landlord attended the hearing. However, the Tenant did not. The Landlord stated that he personally served the Tenant with the application and evidence, on August 18, 2018. I find the Landlord has sufficiently served the Tenant with this package as of that date.

The Landlord was provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me. I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issue to be Decided

- Is the Landlord entitled to an order of possession under the *Act*?

Background, evidence, and analysis

The Landlord testified that he served the Tenant with a One Month Notice to End Tenancy for Cause (the Notice), in person on March 2, 2018. I find the Tenant received the Notice on this day.

The Notice indicates the reasons for ending the tenancy, and includes a "details of cause" section to explain the specifics. The Landlord stated that he has been working with the Tenant to find another place to live, which is why he delayed applying for an order of possession until now.

Section 47 of the *Act* permits a landlord to end a tenancy for cause. A tenant who receives a notice to end tenancy for cause has 10 days after receipt to dispute it by making an application for dispute resolution. Failure to dispute the notice to end tenancy for cause in this period results in the conclusive presumption that the tenant has accepted the end of the tenancy.

In this case, I find the Tenant received the Notice on March 2, 2018, and the Tenant had 10 days, until March 12, 2018, to dispute the notice, but did not do so. Accordingly, pursuant to section 47(5) of the Act, I find the Tenant is conclusively presumed to have accepted the end of the tenancy.

I note that the Tenant has paid rent for October 2018. As such, I find the Landlord is entitled to an order of possession, which will be effective on October 31, 2018, at 1pm.

Conclusion

The Landlord is granted an order of possession effective **October 31, 2018, at 1pm**. This order must be served on the Tenant. If the Tenant fails to comply with this order the Landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

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 3, 2018

Residential Tenancy Branch