



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **OPC**

Introduction

This hearing dealt with the landlord's application pursuant to the Residential Tenancy Act (the "Act") for the following:

- an Order of Possession pursuant to Sections 47 and 55 of the *Act*.

The hearing was conducted by teleconference and was attended by the landlord. The landlord was given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

The tenant submitted an unsigned letter of authorization permitting a named lawyer to appear on her behalf. However, neither the tenant nor a representative attended this hearing, although I left the teleconference hearing open from the start time for an additional twenty minutes to enable the tenant to call in. I confirmed the correct call-in numbers and participant codes had been provided in the Notice of Hearing. From the teleconference system, I confirmed the landlord, the landlord's witness, and I were the only participants in this teleconference.

The landlord testified the Notice of Hearing, the Application for Dispute Resolution, and the landlord's documents were personally served on the tenant on September 7, 2018. I find the tenant is served with the documents on that day, pursuant to Section 89 of the *Act*.

Issue(s) to be Decided

The issue to be decided is whether the landlord is entitled to an order of possession for cause pursuant to sections 47 and 55 of the *Act*.

Background and Evidence

The landlord testified the parties had a 2.5-year tenancy relationship. The most recent tenancy agreement is a month-to-month agreement commencing December 1, 2017 for rent of \$1,000.00 payable on the first of the month. The tenant paid a security deposit of \$500.00 at the beginning of the tenancy which is held by the landlord.

The landlord submitted a copy of the tenancy agreement.

The landlord issued a One Month Notice to End Tenancy for Cause (“One Month Notice”) which he testified he personally served upon the tenant on August 10, 2018 providing for a vacancy date of September 30, 2018. The One Month Notice cites the following reasons:

- Tenant or a person permitted on the property by the tenant has:
 - significantly interfered with or unreasonably disturbed another occupant or the landlord.
 - seriously jeopardized the health or safety or lawful right of another occupant or the landlord.
- Tenant or a person permitted on the property by the tenant has engaged in illegal activity that has, or is likely to:
 - adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant.

A copy of the One Month Notice was submitted in evidence.

The tenant continues in occupation of the unit.

Analysis

I have reviewed all documentary evidence and the uncontradicted testimony of the landlord.

I find the One Month Notice complies with Section 47(3) of the *Act*. Pursuant to sections 88 and 89, I find the tenant was served with the One Month Notice on August 10, 2018.

Section 47(4) of the Act states that if a tenant who has received a notice under this section does not make an application for dispute resolution in accordance with subsection (4), 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.

I have no evidence before me that the tenant has applied to dispute the One Month Notice within 10 days pursuant to Section 47(4) of the *Act*.

Based on the foregoing, I find the tenant is conclusively presumed under Section 47(5) of the *Act* to have accepted that the tenancy ended on the effective date of the One Month Notice.

Conclusion

I find the landlord is entitled to an order of possession effective two days after service on the tenant. 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 to 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 15, 2018

Residential Tenancy Branch