



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BRIGHTSIDE COMMUNITY HOMES FOUNDATION
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC

Introduction

This teleconference hearing was scheduled in response to an application by the Landlord under the *Residential Tenancy Act* (the “Act”) for an Order of Possession based on a One Month Notice to End Tenancy for Cause (the “One Month Notice”).

Two agents for the Landlord (the “Landlord”) were present for the teleconference hearing and were affirmed to be truthful in their testimony. No one called in for the Tenant during the 10 minutes that the phone line was kept open. As the Tenant was not present, service of the Notice of Dispute Resolution Proceeding package (the “Notice of Hearing”) was addressed.

The Landlord provided affirmed testimony that the Notice of Hearing along with the Landlord’s evidence package was sent to the Tenant by registered mail on October 10, 2018. The registered mail tracking number was provided at the hearing and is included on the front page of this decision.

Entering the registered mail tracking number on the Canada Post website confirms that the package was delivered on October 18, 2018. As such, I find that the Notice of Hearing and the Landlord’s evidence package was duly served to the Tenant in accordance with Sections 88 and 89 of the *Act*.

I have reviewed all oral and written evidence before me that met the requirements of the *Residential Tenancy Branch Rules of Procedure*. However, only the evidence relevant to the issues and findings in this matter are described in this decision.

Issues to be Decided

Is the Landlord entitled to an Order of Possession based on a One Month Notice to End Tenancy for Cause?

Background and Evidence

The Landlord provided undisputed testimony on the tenancy. The tenancy began on October 1, 1994. Current monthly rent paid by the Tenant is \$481.00. The Landlord does not have record of a security deposit being paid at the outset of the tenancy. The tenancy agreement was submitted into evidence and confirms the start date of the tenancy.

A One Month Notice was served to the Tenant on August 30, 2018 by registered mail. The One Month Notice was submitted into evidence by the Landlord and states the following as the reasons for ending the tenancy:

- 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

The effective end of tenancy date of the One Month Notice was stated as October 31, 2018. The Landlord provided testimony that they have not received any notification that the Tenant applied to dispute the One Month Notice.

The Landlord testified that the Tenant has paid rent for November 2018.

Analysis

I refer to Section 47(4) of the *Act*, which states that a tenant has 10 days in which to file an application to dispute a One Month Notice. As I have no evidence before me that the Tenant filed an Application for Dispute Resolution, I accept the testimony of the Landlord that the Tenant did not dispute the notice within the 10 days allowable under the *Act*.

Therefore, I find that Section 47(5) of the *Act* applies, and the Tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the One Month Notice.

Pursuant to Section 55(4) of the *Act*, I find that the Landlord is entitled to an Order of Possession. Therefore, I grant the Landlord an Order of Possession, effective November 30, 2018 at 1:00 pm.

Conclusion

I grant an Order of Possession to the Landlord effective **on November 30, 2018 at 1:00 pm**. This Order must be served on the Tenant. Should the Tenant 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: November 09, 2018

Residential Tenancy Branch