



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 an application by the landlord pursuant to the *Residential Tenancy Act* for an order of possession.

The notice of hearing was served on the tenant on November 10, 2018 by registered mail. The landlord filed a copy of the tracking slip. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

Issues to be decided

Is the landlord entitled to an order of possession?

Background and Evidence

The tenancy started on in October 2017. The monthly rent is \$500.00 due in advance on the last day of each month.

The landlord testified that the rental unit consists of a trailer with an addition and is rented to two tenants. Each tenant has their own room and share the kitchen and washroom. There is no written tenancy agreement. The landlord stated that he occupied the rental unit until December 2016 at which time he found a job in a remote area about 12 hours away from the rental unit.

The landlord stated that he does visit the rental unit on occasion to collect rent or for maintenance. On October 22, 2018 the landlord served the tenant with a notice to end tenancy for cause by registered mail. The landlord stated that the notice was a two page notice. On October 30, 2018, the landlord also served the tenant with a ten day notice to end tenancy and stated that the tenant still owes rent as of the date of this hearing.

The landlord is applying for an order of possession effective two days after service on the tenant

Analysis

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim. The tenant is deemed to have received the notice to end tenancy for cause, on October 27, 2018 and did not make application, pursuant to Section 47 to set aside the notice to end a residential tenancy, and the time to do so has expired.

In these situations, the *Residential Tenancy Act* provides that the tenant has been deemed to have accepted the end of the tenancy on the date set out in the Notice. Pursuant to section 55(2) I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant

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: December 14, 2018

Residential Tenancy Branch