



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Capilano Property Management Services
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 January 21, 2019. 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 Tenants did not attend the hearing. The Landlord stated he sent each Tenant a package with the Notice of Hearing and evidence, by registered mail, on December 7, 2018. Pursuant to section 88 and 90 of the Act, the Tenants are deemed served with this package 5 days after it was mailed, December 12, 2018.

The Landlord was given a full opportunity to be heard, to present evidence and to make submissions. 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 the building manager (and witness) attended the rental unit and posted a copy of the One Month Notice to End Tenancy for Cause (the Notice), to the door of the rental unit on November 5, 2018. Pursuant to section 88 and 90 of the

Act, I find the Tenants are deemed to have received this Notice on November 8, 2018, the third day after it was posted to the Tenants' door.

The Notice indicates multiple reasons for ending the tenancy, and includes a "details of cause" section to explain the specifics.

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, the Tenant is deemed to have received the Notice on November 8, 2018, and the Tenants had 10 days, until November 18, 2018, to dispute the notice, but did not do so. Accordingly, pursuant to section 47(5) of the Act, I find the Tenants are conclusively presumed to have accepted the end of the tenancy.

As such, I find the Landlord is entitled to an order of possession, which will be effective January 31, 2019, at 1pm, after it is served on the Tenant.

As the Landlord's application was successful, and pursuant to section 72 of the Act I grant the Landlord the recovery of the cost of the filing fee in the amount of **\$100.00**. I **authorize** the landlord to retain \$100.00 from the Tenant's \$512.50 security deposit (as laid out in the tenancy agreement) in full satisfaction of the recovery of the cost of the filing fee.

Conclusion

The Landlord is granted an order of possession effective **January 31, 2019**, at 1:00 p.m. This order must be served on the Tenants. If the Tenants fail 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: January 22, 2019

Residential Tenancy Branch