



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC

### Introduction

This hearing was scheduled in response to the landlord's application pursuant to the *Residential Tenancy Act* (the "Act") for an order of possession for cause, pursuant to section 55.

The tenant did not participate in the conference call hearing, which lasted approximately 10 minutes. The landlord's three agents (collectively "the landlord") attended the hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The landlords confirmed they were agents of the landlord's company named in this application, and had authority to speak on its behalf.

The landlord testified that on January 11, 2019 the landlord's application for dispute resolution and supporting documents were posted to the rental unit door, where the tenant resides. Based on the testimony of the landlord and in accordance with sections 89 and 90 of the *Act*, I find that the tenant has been deemed served with the application and supporting documents on January 14, 2019, the third day after its posting.

### Issue(s) to be Decided

Is the landlord entitled to an order of possession for cause?

### Background and Evidence

The landlord testified that this tenancy began on July 1, 2018 on a month-to-month basis. Rent in the amount of \$375.00 is payable on the last day of each month. The tenant reemitted a security deposit in the amount of \$250.00, which the landlord still retains in trust. The tenant continues to reside in the rental unit.

The landlord testified that the tenant was personally served with the landlord's 1 Month Notice to End Tenancy for Cause ("1 Month Notice"), dated November 26, 2018, on the same date. In accordance with section 89 of the *Act*, I find that the tenant was deemed served with the 1 Month Notice on November 26, 2018. The grounds to end the tenancy cited in that 1 Month Notice were;

- the tenant or a person permitted on the property by the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord
- the tenant or a person permitted on the property by the tenant has seriously jeopardized the health or safety or lawful right of another occupant or the landlord
- the tenant or a person permitted on the property by the tenant has put the landlord's property at significant risk
- the tenant has engaged in illegal activity that has, or is likely to damage the landlord's property
- 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
- the tenant has engaged in illegal activity that has, or is likely to jeopardize a lawful right or interest of another occupant or the landlord

### Analysis

Section 47 of the *Act* provides that upon receipt of a notice to end tenancy for cause the tenant may, within 10 days, dispute the notice by filing an application for dispute resolution with the Residential Tenancy Branch. If the tenant does not file an application, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the notice and must move out of the rental unit.

Based on the landlord's testimony and the notice before me, I find that the tenant was served with an effective notice. As the tenant did not file an application to dispute the notice she is conclusively presumed to have accepted that the tenancy ended on the effective date of the notice, and must move out of the unit. Therefore, I find that the landlord is entitled to an order of possession.

### Conclusion

I grant an order of possession to the landlord effective **two (2) 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: January 28, 2019

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Residential Tenancy Branch