



# Dispute Resolution Services

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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 and his agent (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 landlord testified that the tenants were personally served with the landlord's application for dispute resolution hearing package ("application") on January 11, 2019, at the address where the tenants are residing. In accordance with sections 89 and 90 of the Act, I find that the tenants were deemed served with the landlord's application on January 11, 2019, the day it was served.

### Issue(s) to be Decided

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

### Background and Evidence

As per the submitted tenancy agreement and testimony of the landlord, the tenancy began on September 1, 2018 on a fixed term until September 1, 2019. Rent in the amount of \$2,500.00 is payable on the first of each month. The tenants remitted a security deposit in the amount of \$1,250.00 at the start of the tenancy, which the landlord still retains in trust. The tenants continue to reside in the rental unit.

The landlord testified that he served the tenants with the landlord's 1 Month Notice to End Tenancy for Cause, dated December 21, 2018 (the "1 Month Notice"), on the same date, by way of posting to the rental unit door where the tenants are residing. In

accordance with sections 88 and 90 of the *Act*, I find that the tenants were deemed served with the landlord's 1 Month Notice on December 24, 2018, three days after its posting. The grounds to end the tenancy cited in that 1 Month Notice were;

- the tenant is repeatedly late paying rent

### 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 tenants were served with an effective notice. As the tenants did not file an application to dispute the notice they are 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: February 01, 2019

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Residential Tenancy Branch