



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding VICTORIA COOL AID SOCIETY and  
[tenant name suppressed to protect privacy]

## **DECISION**

**Dispute Codes**    OPC

### **Introduction**

This hearing was convened in response to an application by the landlord under the *Residential Tenancy Act* (the Act) for an Order of Possession pursuant to a 1 Month Notice for Cause. The hearing was conducted by conference call.

The landlord attended the hearing. The landlord testified they personally served the tenant with notice of today's hearing. Although the tenant was personally served in accordance with Section 89 of the Act with the application for dispute resolution, Notice of Hearing and evidence on March 06, 2019 the tenant did not call into the conference call and did not participate in the hearing.

### **Issues(s) to be Decided**

Is the landlord entitled to an order of possession?

### **Background and Evidence**

The landlord testified that on January 15, 2019 they personally served the tenant with a One month Notice to End Tenancy for Cause pursuant to **Section 47(1)(d)(ii)and(f)** with an effective date of February 28, 2019. The landlord submitted a copy of the Notice to End of this matter within which the details state the tenant endangered the other occupants, guests, staff and the building by deliberately cutting the wires to the smoke detector in their unit which subsequently set off the Fire Alarm system, and of which further result was that unit's alarm zone was without fire alarm protection for 24 hours until the suite was identified and repaired. Consequently staffs were required to do hourly fire checks until the system was repaired.

The tenant did not file an application to dispute the Notice to End Tenancy. The tenant still resides in the unit.

### **Analysis**

**Section 47** of the Act provides that if a tenant does not apply to dispute a one Month Notice to End Tenancy for Cause within 10 days after receiving it, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice and must vacate the rental unit by that date. The Notice to End Tenancy required the tenant to vacate the rental unit by February 28, 2019.

I find the tenant was served with the Notice. I find the Notice complies with Section 52 of the Act and issued for sufficient cause. I find the tenant has not disputed the Notice and has not vacated the unit, although the effective date of the Notice has passed. I find that the landlord is therefore entitled to an Order of Possession.

**I grant an Order of Possession to the landlord effective 2 days from the day it is served on the tenant.** The tenant must be served with this Order of Possession. Should the tenant fail to comply with the Order, the Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

### **Conclusion**

The landlord's application is granted.

**This Decision is final and binding.**

*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: April 15, 2019

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Residential Tenancy Branch