



# 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 to commence at 9:30 a.m. this date by way of conference call concerning an application made by the landlord seeking an Order of Possession for cause.

The landlord attended the hearing and gave affirmed testimony, however the line remained open while the telephone system was monitored for 10 minutes prior to hearing any testimony, and no one for the tenant joined the call. The landlord testified that she served the Application for Dispute Resolution and notice of this hearing (the Hearing Package) to the tenant personally on April 14, 2019. I accept that testimony, and I am satisfied that the tenant has been served in accordance with the *Residential Tenancy Act*.

### Issue(s) to be Decided

Has the landlord established that the One Month Notice to End Tenancy for Cause was issued in accordance with the *Residential Tenancy Act*?

### Background and Evidence

The landlord testified that this month-to-month tenancy began on October 1, 2017 and the tenant still lives in the rental unit. Rent in the amount of \$600.00 per month is payable on the 1<sup>st</sup> day of each month and there are no rental arrears. The landlord did not collect a security deposit or pet damage deposit from the tenant.

On February 28, 2019 the landlord served the tenant personally with a One Month Notice to End Tenancy for Cause, and a copy has been provided for this hearing. It is

dated February 27, 2019 and contains an effective date of vacancy of March 31, 2019. The reasons for issuing it state:

- Tenant or a person permitted on the property by the tenant has:
  - significantly interfered with or unreasonably disturbed another occupant or the landlord;
  - seriously jeopardized the health or safety or lawful right of another occupant or the landlord;
  - put the landlord's property at significant risk;
- Tenant or a person permitted on the property by the tenant has engaged in illegal activity that has, or is likely to:
  - damage the landlord's property;
  - adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant;
  - jeopardize a lawful right or interest of another occupant or the landlord.

The tenant has not served the landlord with an Application for Dispute Resolution disputing the Notice, and the landlord seeks an Order of Possession.

After serving the Hearing Package, the tenant signed a document in agreement to vacating the rental unit effective June 30, 2019 and the landlord would be content with that effective date of vacancy.

### Analysis

The *Residential Tenancy Act* states that if a tenant does not dispute a notice to end a tenancy given by a landlord, the tenant is conclusively presumed to have accepted the end of the tenancy. In this case, the landlord has not been served with an Application for Dispute Resolution by the tenant disputing the Notice, and I have no such application before me.

I have reviewed the One Month Notice to End Tenancy for Cause, and I find that it is in the approved form and contains information required by the *Act*. Therefore, I grant an Order of Possession in favour of the landlord effective June 30, 2019.

Since the landlord has been successful with the application the landlord is also entitled to recovery of the \$100.00 filing fee, and I grant a monetary order in favour of the landlord in that amount.

### Conclusion

For the reasons set out above, I hereby grant an Order of Possession in favour of the landlord effective at 1:00 p.m. on June 30, 2019.

I further grant a monetary order in favour of the landlord as against the tenant pursuant to Section 67 of the *Residential Tenancy Act* in the amount of \$100.00.

This order is final and binding and may be enforced.

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: May 28, 2019

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Residential Tenancy Branch