



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding SS AND SGI COMMUNITY SERVICE 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 to End Tenancy for Cause (the Notice or Notice for Cause). The hearing was conducted by conference call.

Both parties attended the hearing. The tenant confirmed having been served with notice of the landlord's application and their evidence, as also submitted to this proceeding. I found the tenant was served with pages 1 and 2 the landlord's 1 Month Notice for Cause dated March 19, 2019.

Issues(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

The undisputed evidence in this matter is as follows. On March 19, 2019 the landlord served the tenant with a One month Notice to End Tenancy for Cause pursuant to **Section 47(1)(d)** with an effective date of May 01, 2019. The landlord submitted a copy of the Notice to End of this matter which both parties agreed the Notice was dated, the issuing person identified and signed by the issuer of the Notice. As well the parties agreed the tenant received pages 1 and 2 of the Notice and the tenant testified having read the *Information for Tenants* when they received the Notice. The tenant confirmed not filing an application to dispute the Notice to End Tenancy. The tenant testified they still reside 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 they must vacate the rental unit by that date. The Notice to End Tenancy required the tenant to vacate the rental unit by May 01, 2019.

I find the tenant was served with the Notice. I find the Notice complies with Section 52 of the Act. 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: July 30, 2019

Residential Tenancy Branch