



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC FF

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 an undisputed 1 Month Notice for Cause and to recover the filing fee. 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 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 they personally served the tenant with a One month Notice to End Tenancy for Cause pursuant to **Section 47(1)(d)(i)(ii)(iii)and(e)(iii)** with an automatically adjusted effective date of June 30, 2019 pursuant to Section 53 of the Act. The landlord submitted a copy of the Notice to End of this matter within which the details state the tenant disturbed and endangered other occupants of the residential property and placed the landlord's property at risk. The tenant did not file an application to dispute the Notice to End Tenancy. The tenant still resides in the unit; however, the landlord testified that the parties have signed a mutual agreement to end the tenancy July 22, 2019.

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 June 30, 2019, however the parties are in agreement that the tenancy may end on July 22, 2019.

I find the tenant was personally 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. I find that the landlord is therefore entitled to an Order of Possession. Although the effective date of the Notice has passed the landlord seeks an Order of possession for a mutually agreed date of July 22, 2019. As a result,

I grant an Order of Possession to the landlord effective July 22, 2019. 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 09, 2019

Residential Tenancy Branch