



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC

Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution. The participatory hearing was held on August 9, 2019. The Landlord applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order of possession based on a One Month Notice to End Tenancy for Cause (the Notice)

The Landlords both attended the hearing. However, the Tenant did not attend the hearing. The Landlords provided registered mail tracking information showing they mailed (to the rental unit) the Notice of Hearing on June 24, 2019 and the evidence on July 19, 2019. Pursuant to section 88, 89 and 90 of the Act, the Tenant is deemed served with these packages 5 days after they were mailed, June 29, 2019, and July 24, 2019 respectively.

The Landlord was given a full opportunity to be heard, to present evidence and to make submissions. I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issue to be Decided

- Is the landlord entitled to an order of possession under the *Act*?

Background and Evidence

The Landlords stated that they sent the Notice to the Tenant by registered mail on April 4, 2019. Tracking information was provided into evidence.

The Notice states that the Tenant is significantly interfering or unreasonably disturbing the Landlord. The Landlord stated that the Tenant threatens them, and continually damages appliances. The Landlord stated that it is their son who lives in the unit, and the Landlords live at another family member's home.

Analysis

Based on the testimony and documentary evidence, and on a balance of probabilities, I find:

After reviewing the Notice, I am satisfied that it complies with section 52 of the *Act* [*form and content of notice to end tenancy*]. Section 47 of the *Act* permits a landlord to end a tenancy for cause. A tenant who receives a notice to end tenancy for cause has 10 days after receipt to dispute it by making an application for dispute resolution. Failure to dispute the notice to end tenancy for cause in this period results in the conclusive presumption that the tenant has accepted the end of the tenancy, under section 47(5) of the *Act*.

In this case, the Landlord issued the Notice for the reason listed above. Based on the Landlord's testimony and the registered mail tracking information, I find the Tenant is sufficiently served with the Notice on April 9, 2019, 5 days after it was mailed, pursuant to section 88 of the *Act*.

The Tenant had 10 days, until April 19, 2019, to dispute the notice, but did not do so. Accordingly, pursuant to section 47(5) of the *Act*, I find the tenant is conclusively presumed to have accepted the end of the tenancy on the effective date of the Notice.

Therefore, the Landlord is entitled to an order of possession, which will be effective **two days after service** on the tenant.

Conclusion

The landlord is granted an order of possession effective **two days after service** on the tenant. This order must be served on the tenant. If the tenant fails to comply with this

order the landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

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: August 12, 2019

Residential Tenancy Branch