



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding STERLING PACIFIC DEVELOPMENTS (WESTERN)
INC and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPC

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act*. The landlord applied for an order of possession pursuant to a one month notice to end tenancy for cause.

The landlord testified that he served the tenant with the notice of hearing and evidence package in person on July 17, 2019. Despite having been served with a notice of hearing by the landlord, the tenant did not attend the hearing.

The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

Issues to be decided

Is the landlord entitled to an order of possession?

Background and Evidence

The tenancy started on June 01, 2014. The monthly rent is \$1,000.00. The rental unit is an apartment located in a building complex.

After receiving multiple complaints from the residents of the building, of noise disturbances from the rental unit, on March 28, 2019, the landlord served the tenant with a notice to end tenancy for cause with an effective date of April 30, 2019. A copy of the notice was filed into evidence.

The tenant did not dispute the notice. The landlord has applied for an order of possession effective two days after service on the tenant.

Analysis

Based on the undisputed testimony and documentary evidence of the landlord, I find that the tenant is deemed to have received the notice to end tenancy, on March 28, 2019. I further find that the landlord served the tenant with a two-page valid notice to end tenancy. The tenant did not make application, pursuant to Section 47 to set aside the notice to end a residential tenancy, and the time to do so has expired.

In these situations, the *Residential Tenancy Act* provides that the tenant has been deemed to have accepted the end of the tenancy on the date set out in the Notice. Pursuant to section 55(2) I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

Conclusion

I grant the landlord an order of possession effective **two days** after service on the tenant.

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: September 05, 2019

Residential Tenancy Branch