



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding COLUMBUS CHARITIES ASSOCIATION COLUMBUS
HOME and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPC, FF

Introduction

This hearing was scheduled in response to the landlord's application for an order of possession for cause. The landlord also applied for the recovery of the filing fee.

Both parties attended this hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The tenant represented herself and was accompanied by her case worker. The landlord was represented by their agents.

As both parties were in attendance, I confirmed service of documents. The tenant confirmed receipt of the landlord's evidence. The tenant filed documents into evidence but did not send the landlord a copy of her evidence. Accordingly the tenant's evidence was not used in the making of this decision. I find that the tenant was served with evidentiary materials in accordance with sections 88 and 89 of the *Act*.

During the hearing the landlord informed me that he wished to waive his application for the recovery of the filing fee.

Issue to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The landlord served the tenant with a 1 month notice to end tenancy for cause dated August 12, 2019, a copy of which was submitted in evidence.

The notice was served by in person to the tenant. The date shown on the notice by when the tenant must vacate the unit is September 12, 2019. There is no evidence that the tenant filed an application to dispute the notice.

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord's agent, I find that the tenant was served with a 1 month notice to end tenancy for cause dated August 12, 2019. The tenant did not apply to dispute the notice within the 10-day period available to her for doing so. The tenant is therefore conclusively presumed under section 47(5) of the Act to have accepted that the tenancy ended on the effective date of the notice. Accordingly, I find that the landlord has established entitlement to an order of possession.

I hereby issue an order of possession in favour of the landlord effective not later than 1:00pm on October 31, 2019. This order must be served on the tenant. 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

I grant the landlord an order of possession effective by **1:00pm on October 31, 2019.**

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: October 01, 2019

Residential Tenancy Branch