



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding SATGURU ENTERPRISES LTD and  
[tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPC

### Introduction

This hearing dealt with the landlord's application pursuant section 55 of the *Residential Tenancy Act* ("Act") for an Order of Possession.

The tenant did not attend this hearing which lasted approximately 10 minutes. The teleconference line remained open for the duration of the hearing and the Notice of Hearing was confirmed to contain the correct hearing information. The corporate landlord was represented by their agent (the "landlord") who was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

The landlord testified that they served each of the tenants with their application and evidence personally on November 12, 2019. Based on the evidence I find that the tenants were each served with the landlord's materials on that date in accordance with sections 88 and 89 of the *Act*.

### Issue(s) to be Decided

Is the landlord entitled to an order of possession?

### Background and Evidence

This periodic tenancy began in 2014. Monthly rent is payable on the first of each month. The rental unit is a suite in a multi-unit building. The landlord testified that the tenants have caused unreasonable disturbance to the occupants of the building by hosting multiple guests at all hours.

The landlord issued a 1 Month Notice to End Tenancy for Cause listing the reasons for the tenancy to end as:

*Tenant has allowed an unreasonable number of occupants in the unit/site  
Tenant or a person permitted on the property by the tenant has:*

- *significantly interfered with or unreasonably disturbed another occupant or the landlord;*

*Tenant has engaged in illegal activity that has, or is likely to:*

- *adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord;*

The landlord explained that the 1 Month Notice contained a typographic error providing the date of the notice as October 31, 2019 and the effective date as September 30, 2019. The landlord testified that the 1 Month Notice was issued on September 30, 2019 and served personally on the tenants on that date. The landlord is not aware of the tenants filing any application to dispute the 1 Month Notice.

### Analysis

Section 47 of the *Act* provides that upon receipt of a notice to end tenancy for cause, the tenant may, within 10 days, dispute the notice by filing an application for dispute resolution with the Residential Tenancy Branch. I accept the evidence of the landlord that the tenants were served with the 1 Month Notice on September 30, 2019. I find that the tenants have failed to file an application for dispute resolution within the 10 days of service granted under section 47(4) of the *Act*. Accordingly, I find that the tenants are conclusively presumed under section 47(5) of the *Act* to have accepted that the tenancy ends on the corrected effective date of the 1 Month Notice, October 31, 2019.

I find that the landlord's 1 Month Notice meets the form and content requirements of section 52 of the *Act* as it is in the approved form and clearly identifies the parties, the address of the rental unit, the effective date of the notice and the reasons for ending the tenancy. I find that the typographic error reversing the date of the notice and its effective date is a minor blemish that does not invalidate the effectiveness of the notice. Both dates are provided on the notice, simply in the incorrect location. Therefore, I find that the landlord is entitled to an Order of Possession pursuant to section 55 of the *Act*. As the effective date of the 1 Month Notice has passed, I issue a 2 day Order of Possession.

### Conclusion

I grant an Order of Possession to the landlord effective **2 days after service on the tenant**. Should the tenants or any occupant on the premises fail to comply with this

Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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: December 10, 2019

---

Residential Tenancy Branch