



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 1162538 B.C. LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC

Introduction

This hearing was scheduled in response to the corporate landlord's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- an order of possession for cause pursuant to section 55 of the *Act*?

The landlord's counsel (SS) attended the hearing via conference call. SS was given a full opportunity to be heard, to present sworn testimony, to make submissions. The tenant did not attend this hearing.

SS testified the tenant was served the Notice of Dispute Resolution together with the evidentiary package via Canada Post registered mail on November 28, 2019. I find that this satisfied the service requirements set out in sections 88, 89 and 90 of the *Act*, and find the tenant was deemed served in accordance with the *Act* on that date.

Rule of Procedure 7.3 states:

7.3 Consequences of not attending the hearing

If a party or their agent fails to attend the hearing, the arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss the application, with or without leave to re-apply.

Issue(s) to be Decided

Is the landlord entitled to an order of possession for cause pursuant to section 55 of the *Act*?

Background and Evidence

SS testified that the tenant was served with the landlord's One Month Notice to End Tenancy for Cause (the "Notice"), dated September 9, 2019 by leaving a copy with the tenant ASM. The landlord explained service of the Notice was witnessed by DSS.

The Notice indicates an effective move-out date of October 30, 2019.

The grounds to end the tenancy cited in the Notice were:

- 1) the tenant is repeated late paying rent;
- 2) the tenant has allowed an unreasonable number of occupants in the unit/site;
- 3) the tenant or a person permitted on the property by the tenant has:
 - significantly interfered with or unreasonably disturbed another occupant or the landlord;
 - seriously jeopardized the health or safety or lawful right of another occupant or the landlord;
 - put the landlord's property at significant risk;
- 4) tenant has not done required repairs of damage to the unit/site;
- 5) tenant or a person permitted on the property by the tenant has engaged in illegal activity.

The tenant did not attend the hearing to present any submissions in relation to the Notice and the tenant did not upload any evidence disputing the landlord's Notice.

Analysis

Sections 47(4) and (5) of the Act state:

(4) A tenant may dispute a notice under this section by making an application for dispute resolution within 10 days after the date the tenant receives the notice.

(5) If a tenant who has received a notice under this section does not make an application for dispute resolution in accordance with subsection (4), the tenant

(a) is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, and

(b) must vacate the rental unit by that date.

Based on the landlord's testimony and the notice before me, I find that the tenant was served with a valid Notice. The tenant did not participate in the hearing and did not file an application to dispute the Notice within 10 days of its receipt. Therefore, the tenant is

conclusively presumed pursuant to section 47(4) of the *Act* to have accepted that the tenancy ends on the effective date of October 30, 2019.

I find that the landlord is entitled to a two-day order of possession, pursuant to section 55 of the *Act*.

Conclusion

I grant an Order of Possession to the landlord effective **two days after service of this Order** on the tenant ASM and any other occupants. Should the tenant 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 23, 2019

Residential Tenancy Branch