



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding VERNON NATIVE HOUSING
SOCIETY and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPQ, FFL

Introduction

The landlord applies for an order of possession pursuant to a two month Notice to End Tenancy dated June 24, 2020. The Notice alleges the tenant does not qualify for subsidized housing. If proved, that allegation is a lawful ground for eviction under s. 49.1 of the *Residential Tenancy Act* (the "RTA").

The respondent tenant did not attend for the hearing within 10 minutes after its scheduled start time at 11:00 a.m. on October 15, 2020. The teleconference hearing connection remained open during that time in order to enable the parties to call into the teleconference hearing. The call-in numbers and participant codes provided in the Notice of Hearing were confirmed as correct. The teleconference system audio console confirmed that the landlord's representatives and this arbitrator were the only ones who had called into this teleconference during that period.

KG for the landlord showed that the tenant had been served with the Notice of Dispute Resolution Proceeding by registered mail (tracking number shown on cover page of this decision). Canada Post records show the mail was delivered to the tenant on September 14, 2020. On this evidence I find the tenant has been duly served.

The tenant has not made application to challenge the Notice. By operation of s. 49(6) of the *RTA* she is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice and must vacate the rental unit by that date.

As a result of the Notice this tenancy ended on August 31, 2020, the effective date in the Notice, and the landlord is entitled to an order of possession.

The landlord has received occupation rent for the month of October and so the order of possession will be effective October 31, 2020.

I authorize the landlord to recover the \$100.00 filing fee for this application from the \$390.00 security deposit it holds.

This decision was rendered orally at hearing and 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 15, 2020

Residential Tenancy Branch