



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Coast Foundation Society (1974)
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC

Introduction

The landlord filed an Application for Dispute Resolution (the “Application”) on August 4, 2021 seeking an order of possession for the rental unit. The matter proceeded by way of a hearing pursuant to s. 74(2) of the *Residential Tenancy Act* (the “Act”) on December 7, 2021. In the conference call hearing I explained the process and provided the attending party the opportunity to ask questions.

The Landlord provided notice of this dispute resolution hearing in person to the Tenant on August 20, 2021. This was the day after the Residential Tenancy Branch provided the Notice of Dispute Resolution Proceeding to the Landlord on August 19th. The Landlord provided that this copy of the notice document included prepared evidence. Reviewing this in the hearing with the Tenant, I confirmed they received certain documents from the Landlord, and identified these in the hearing. All parties confirmed there was no video provided by the Landlord for this hearing.

The Tenant confirmed they did not prepare documents in advance for this hearing.

Issue to be Decided

Is the landlord entitled to an Order of Possession for cause pursuant to s. 55 of the *Act*?

Background and Evidence

The Landlord submitted a copy of the tenancy agreement that the parties signed on February 13, 2020. This was set for a short-term fixed tenancy starting on February 13, 2020. The Tenant reviewed some details of the tentative arrangements made at that time. The rent amount of \$375 did not vary during the tenancy which continued right up until the time of the hearing.

The Landlord submitted as evidence a copy of the One Month Notice to End Tenancy for Cause (the "One-Month Notice") dated June 10, 2021. The Tenant referred to their copy of this document in the hearing and described their viewpoint of the incidents listed by the Landlord. The reasons for the issuance of the document are: the Tenant "significantly interfered with or unreasonably disturbed another occupant or the landlord"; and "seriously jeopardized the health or safety or lawful right of another occupant or the landlord."

The One Month Notice provides that the tenant had ten days from the date of service to apply for Dispute Resolution or the tenancy would end on the stated effective vacant date of July 31, 2021. In the hearing, the Tenant described discussions had with the Residential Tenancy Branch, and stated they did apply for a hearing to challenge the 10-Day Notice.

The landlord served the document in person to the tenant on June 21, 2021. A witness attested to this service at 11:57am on that date. This is shown on the Proof of Service document completed by the Landlord to show that transaction.

Analysis

The *Act* s. 47 allows a landlord to end a tenancy by giving notice to end the tenancy if, among other things, one or more of the conditions therein applies.

Following this, s. 47(4) allows a tenant who receives a notice to end tenancy 10 days to submit an Application for Dispute Resolution to cancel the notice. The following s. 47(5) stipulates that if a tenant fails to apply within 10 days, they are conclusively presumed to have accepted that the tenancy ends on the effective date of the notice and they must vacate the rental unit.

I have reviewed the Notice, and I find it complies with the form and content requirements of s. 52 of the Act. The Tenant could not produce proof in the hearing that they disputed the Notice. I find it more likely than not they did not dispute the Notice within ten days of the service date of June 21, 2021. The Tenant did not vacate the unit by the effective date of the 10-Day Notice.

I find that the Tenant did not dispute the Notice within ten days, pursuant to section 47(4). I find that the Tenant is conclusively presumed to have accepted that the tenancy has ended in accordance with section 47(5).

I find the Landlord had the authority to issue the Notice under s. 47 of the Act. I grant the Landlord's request for an Order of Possession under s. 55 of the Act.

Conclusion

I grant an Order of Possession to the landlord effective **TWO DAYS after service of this Order** to the Tenant. Should the Tenant fail to comply with this Order, the Landlord may file this Order with the Supreme Court of British Columbia where it will be enforced as an Order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under s. 9.1(1) of the Act.

Dated: December 7, 2021

Residential Tenancy Branch