



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      **OPC**

### Introduction

This hearing dealt with the Landlord's application pursuant to the *Residential Tenancy Act* (the "Act") for an Order of Possession for a One Month Notice to End Tenancy for Cause (the "One Month Notice") pursuant to Sections 55 and 62 of the Act.

The hearing was conducted via teleconference. The Landlord attended the hearing at the appointed date and time and provided affirmed testimony. The Tenants did not attend the hearing. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the Landlord and I were the only ones who had called into this teleconference. The Landlord was given a full opportunity to be heard, to make submissions, and to call witnesses.

I advised the Landlord that Rule 6.11 of the Residential Tenancy Branch Rules of Procedure prohibits the recording of dispute resolution hearings. The Landlord testified that he was not recording this dispute resolution hearing.

The Landlord personally served the One Month Notice on April 30, 2021. The Landlord provided a proof of service signed by the Tenant for the One Month Notice. I find that the One Month Notice was served on the Tenant on April 30, 2021 pursuant to Section 88(a) of the Act.

The Landlord personally served the Tenant with the Notice of Dispute Resolution Proceeding package for this hearing on November 19, 2021 (the "NoDRP package"). The Landlord provided a proof of service of the NoDRP package. I find that the Tenant

was served with the documents for this hearing on November 19, 2021, in accordance with Section 89(1)(a) of the Act.

### Issue to be Decided

Is the Landlord entitled to an Order of Possession for Cause?

### Background and Evidence

I have reviewed all written and oral evidence and submissions before me; however, only the evidence and submissions relevant to the issues and findings in this matter are described in this decision.

This periodic tenancy began on June 30, 2017. Monthly rent is \$700.00 payable on the first day of each month. No security deposit was collected at the start of the tenancy.

The Landlord testified that the Tenant is still residing in the rental unit and he has a number of other people also residing there. The Landlord states the Tenant never disputed the Landlord's One Month Notice.

### Analysis

The standard of proof in a dispute resolution hearing is on a balance of probabilities, which means that it is more likely than not that the facts occurred as claimed. The onus to prove their case is on the person making the claim. As this hearing was conducted pursuant to Rules of Procedure 7.3, in the Tenant's absence, all the Landlord's testimony is undisputed.

Section 55(2) of the Act is the relevant section of the legislation for this matter. It reads as follows:

### ***Order of possession for the landlord***

**55** ...

- (2) *A landlord may request an order of possession of a rental unit in any of the following circumstances by making an application for dispute resolution:*

...

*(b) a notice to end the tenancy has been given by the landlord, the tenant has not disputed the notice by making an application for dispute resolution and the time for making that application has expired;*

...

*(4) In the circumstances described in subsection (2) (b), the director may, without any further dispute resolution process under Part 5 [Resolving Disputes],*

*(a) grant an order of possession, and*

...

The Landlord served the Tenant with the One Month Notice on April 30, 2021. The Tenant had until May 10, 2021 to apply for dispute resolution based on the One Month Notice. To the best of the Landlord's knowledge the Tenant has not applied to dispute the One Month Notice. The time to apply for dispute resolution of the One Month Notice has expired. I find, on a balance of probabilities, that based on the Landlord's undisputed testimony, and the Tenant's failure to attend this hearing and present evidence relating to this application, the Landlord has met the burden of proof and is entitled to an Order of Possession pursuant to Section 55(4)(a) of the Act. I grant an Order of Possession to the Landlord which will be effective two (2) days after service on the Tenant.

Conclusion

The Landlord is granted an Order of Possession which will be effective two (2) days after service on the Tenant. The Order of Possession may be filed in and enforced as an Order of the British Columbia Supreme Court.

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

Dated: February 13, 2022

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Residential Tenancy Branch