



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

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## **DECISION**

Dispute Code: OPC

### **Introduction**

The landlord seeks an order of possession on an undisputed *One Month Notice to End Tenancy for Cause* pursuant to section 55(2)(b) of the *Residential Tenancy Act* ("Act").

Attending the dispute resolution hearing were two representatives for the landlord. The tenant did not attend the hearing, which commenced at 9:30 AM and ended at 9:40 AM.

The landlord's representative B.F. was affirmed, and he gave evidence that the Notice of Dispute Resolution Proceeding was served on the tenant by way of Canada Post registered mail on April 26, 2022. The package was returned to the landlord unclaimed by the tenant. Based on this undisputed evidence it is my finding that the tenant was served the required documentation necessary for him to participate in the dispute resolution process.

### **Issue**

Is the landlord entitled to an order of possession?

### **Background and Evidence**

Relevant evidence, complying with the *Rules of Procedure*, was carefully considered in reaching this decision. Only relevant oral and documentary evidence needed to resolve the issue of this dispute, and to explain the decision, is reproduced below.

The tenancy began on November 1, 2014, and rent is \$320. A copy of the written tenancy agreement was in evidence.

The landlord gave evidence that the *One Month Notice To End Tenancy For Cause* ("the notice") was served on the tenant by being posted on the door of the rental unit on February 25, 2022. All pages of the notice were served on the tenant and a copy of the notice was submitted into evidence. The notice was never properly disputed by the tenant.

### Analysis

The landlord gave a notice to end the tenancy pursuant to section 47 of the Act. A tenant who receives such a notice has 10 days to make an application for dispute resolution in which they may dispute the notice (section 47(4) of the Act). In this case the tenant failed to do so.

Section 55(2)(b) of the Act states that a landlord may request an order of possession of a rental unit when 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.

Applying the law to the facts of this dispute, the landlord has given the tenant a notice to end tenancy, the tenant has not disputed the notice, and the time for making any such application has long since expired. As such, it is my finding that the landlord is entitled to an order of possession of the rental unit. Last but not least, I have reviewed the entirety of the notice and find that it complies with section 52 of the Act in form and content. The tenancy is hereby ordered ended effective immediately.

A copy of the order of possession is issued in conjunction with this decision, to the landlord.

### Conclusion

**The application is hereby GRANTED, and the landlord is given an order of possession.**

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: August 18, 2022

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Residential Tenancy Branch