



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ROCK BAY APARTMENTS, LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC

Introduction

This hearing dealt with an application filed by the landlord pursuant the *Residential Tenancy Act* (the “Act”) for an order of possession for cause pursuant to sections 47 and 55.

The tenant did not attend this hearing, although I left the teleconference hearing connection open throughout the hearing which commenced at 11:00 a.m. and ended at 11:10 a.m. 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 attended the hearing, represented by property manager MP (“landlord”). The landlord was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. The landlord testified that he served the Notice of Dispute Resolution Proceedings upon the tenant on July 21, 2022 by posting a copy of the Notice of Dispute Resolution Proceedings package to the tenant’s door. The service was witnessed by the resident caretaker, RM. I find the tenant served with the Notice of Dispute Resolution Proceedings package on July 24, 2022, three days after it was posted to his door in accordance with sections 89 and 90 of the Act.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession for cause?

Background and Evidence

The landlord testified that he served the tenant with a 1 Month Notice to End Tenancy for Cause by attaching a copy to the door of the tenant’s residence on June 8, 2022. A witnessed proof of service signed by the landlord and the witness RM was provided as evidence by the landlord. A copy of the notice to end tenancy was also provided.

The landlord testified that the tenant did not file an application to dispute the notice within 10 days of being served with it, to the best of his knowledge.

Analysis

Pursuant to section 55(2)(b), a landlord may request an order of possession of a rental unit by making an application for dispute resolution if 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.

Without any further dispute resolution process under Part 5 [Resolving Disputes], the director may grant an order of possession, and if the application is in relation to the non-payment of rent, grant an order requiring payment of that rent, pursuant to section 55(4).

I have reviewed the landlord's notice to end tenancy and I find that it complies with the form and content provisions of section 52 of the Act. I find the tenant was served with the 1 Month Notice to End Tenancy for Cause on June 11, 2022, three days after it was posted to the door of his residence, in accordance with sections 88 and 90 of the Act. Based on the undisputed evidence of the landlord, I find the tenant did not make an application to dispute the notice to end tenancy within 10 days as required under section 47. Consequently, I issue an Order of Possession to the landlord pursuant to section 55(4) of the Act. As the effective date stated on the notice has passed, the landlord is entitled to an Order of Possession effective two days after service upon the tenant.

Conclusion

I grant an Order of Possession to the landlord effective **2 days after service on the tenant**. Should the tenants or anyone on the premises fail to comply with this Order, this Order may be filed and enforced in 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 02, 2022

Residential Tenancy Branch