



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding MORE THAN A ROOF HOUSING
SOCIETY and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC

Introduction

This hearing was scheduled to convene at 11:00 a.m. on August 22, 2023 concerning an application made by the landlord seeking an order of possession for cause.

An agent for the landlord attended the hearing and gave affirmed testimony. However, the line remained open while the telephone system was monitored for 10 minutes prior to hearing any testimony, and no one for the tenant joined the call. The landlord's agent testified that the Notice of Dispute Resolution Proceeding and other documents (the Hearing Package) were personally served to the tenant on May 31, 2023. A Proof of Service document has been provided for this hearing which indicates that, with a witness statement as well. I am satisfied that the tenant has been served in accordance with the *Residential Tenancy Act*.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The landlord's agent testified that this month-to-month tenancy began on July 6, 2021 and the tenant still resides in the rental unit. Market rent is \$1,033.00, and the tenant's subsidized share is \$375.00 payable on the 1st day of each month and there are no rental arrears. At the outset of the tenancy the landlord collected a security deposit from the tenant in the amount of \$516.00 which is still held in trust by the landlord, and no pet damage deposit was collected. The rental unit is a bachelor suite in a 104 unit building. A copy of the tenancy agreement has been provided as evidence for this hearing.

The landlord's agent further testified that on March 31, 2023 the tenant was served with a One Month Notice to End Tenancy For Cause, a copy of which has been provided for this hearing. It is dated March 31, 2023 and contains an effective date of vacancy of April 30, 2023. The reason for issuing it states:

- Tenant or a person permitted on the property by the tenant has:
 - seriously jeopardized the health or safety or lawful right of another occupant or the landlord.

A copy of a Proof of Service document has also been provided for this hearing, indicating that the Notice was served to the tenant in person on March 31, 2023, with a witness statement.

The landlord's agent testified that assaults on 2 other residents have been committed by the tenant.

The tenant has not served the landlord with an Application for Dispute Resolution disputing the Notice, and the landlord seeks an order of possession.

Analysis

The *Residential Tenancy Act* states that once served with a One Month Notice to End Tenancy For Cause (the Notice), the tenant has 10 days to dispute it by filing an Application for Dispute Resolution and serving the landlord. If the tenant fails to do so, the tenant is conclusively presumed to have accepted the tenancy and must move out of the rental unit by the effective date contained in the Notice.

In this case, the landlord's agent testified that the landlord has not been served by the tenant, and I have no such application before me.

I am satisfied that the tenant was served with the Notice personally on March 31, 2023. I have reviewed the Notice and I find that it is in the approved form and contains information required by the *Act*. The tenant has not disputed it, and therefore I find that the tenant is conclusively presumed to have accepted the end of the tenancy and the landlord is entitled to an order of possession. Since the effective date of vacancy has passed, I grant the order of possession effective on 2 days notice to the tenant.

Conclusion

For the reasons set out above, I hereby grant an order of possession in favour of the landlord effective on 2 days notice to the tenant.

This order is final and binding and may be enforced.

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: August 22, 2023

Residential Tenancy Branch