



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes:

OPC and FF

Introduction

The Agent for the Landlord stated that copies of the Application for Dispute Resolution and Notice of Hearing were sent to the Tenant via registered mail at the address noted on the Application, on September 13, 2008. A tracking number was provided. The Canada Post website shows the mail was redirected to the Tenant's new address on September 16, 2008. The Agent stated that he also personally served the Tenant with copies of these documents on October 01, 2008. These documents are deemed to have been served in accordance with section 89 of the *Act*, however the Tenant did not appear at the hearing.

Issue(s) to be Decided

The issues to be decided are whether the Landlord is entitled to an Order of Possession for Cause and to recover the filing fee from the Tenant for the cost of the Application for Dispute Resolution, pursuant to sections 55 and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The Agent for the Landlord stated that a One Month Notice to End Tenancy for Cause, which had an effective date of August 31, 2008, was personally served on the Tenant on July 11, 2008. The Notice informed the Tenant that if they did not file an Application for Dispute Resolution to dispute the Notice within ten days of receiving it, they are presumed to have accepted the Notice and they must vacate the rental unit by the date set out on the Notice.

Analysis

Section 47 of the *Act* stipulates that a Tenant has ten days from the date of receiving a Notice to End Tenancy to file an Application for Dispute Resolution to dispute the Notice. I have no evidence that the Tenant filed an Application for Dispute Resolution, therefore I find that the Tenant accepted that the tenancy is ending on August 31, 2008, pursuant to section 47(5) of the *Act*.

On this basis I find that the Landlord is entitled to an Order of Possession that is effective two days after it is served upon the Tenant.

As the Landlord's Application for Dispute Resolution has merit, I find that the Landlord is entitled to \$50.00 in compensation for the filing fee paid by the Landlord for this application.

Conclusion

I hereby grant the Landlord an Order of Possession that is effective two days after it is served upon the Tenant. This Order may be served on the Tenant, filed with the Supreme Court of British Columbia, and enforced as an Order of that Court.

I hereby order that the Landlord may retain \$50.00 from the security deposit paid by the Tenant's, as compensation for the filing fee paid by the Landlord for this Application for Dispute Resolution.

Date of Decision: October 09, 2008