



Dispute Resolution Services

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

Decision

Dispute Codes: OPC, FF

Introduction

This hearing dealt with the landlord's application for an order of possession and recovery of the filing fee for this application. The landlord's agent and one of the two tenants participated in the hearing and each gave affirmed testimony.

Issues to be Decided

- Whether the landlord is entitled to an order of possession
- Whether the landlord is entitled to a monetary order under the *Act*

Background and Evidence

Pursuant to a written residential tenancy agreement, the term of tenancy was from May 1, 2006 to April 30, 2007. Thereafter, tenancy has continued on a month-to-month basis. Rent in the amount of \$1,170.00 is payable in advance on the first day of each month, and a security deposit of \$585.00 was collected on April 3, 2006.

The landlord issued a 1 month notice to end tenancy for cause dated January 27, 2009. The reason shown on the notice for its issuance is as follows:

Tenant or a person permitted on the property by the tenant has:

- significantly interfered with or unreasonably disturbed another occupant or the landlord

The landlord submitted into evidence a copy of the 1 month notice which was posted on the tenants' door on January 27, 2009.

Analysis

Based on the documentary evidence and testimony of the parties, I find that the tenants were served with a 1 month notice to end tenancy for cause. The tenants did not apply to dispute the notice within 10 days after receiving it. The tenants are therefore conclusively presumed under section 47(5) of the *Act* to have accepted that the tenancy ended on the effective date of the notice which was February 28, 2009.

As for the monetary order, I find the landlord is entitled to recovery of the \$50.00 filing fee for this application. I therefore grant the landlord a monetary order under section 67 of the *Act* for \$50.00.

Conclusion

I hereby issue an order of possession in favour of the landlord effective not later than **two (2) days** after service upon the tenants. This order must be served on the tenants. Should the tenants fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

I hereby grant the landlord a monetary order under section 67 of the *Act* for **\$50.00**. This order may be served on the tenants, filed in the Small Claims Court and enforced as an order of that Court.

DATE: March 2, 2009

Dispute Resolution Officer