



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 an application from the landlord for an order of possession, and recovery of the filing fee for this application. The landlord participated in the hearing and gave affirmed testimony. Despite being served in person on April 24 or 25, 2009 with the application for dispute resolution and notice of hearing, neither tenant appeared.

Issues to be Decided

- Whether the landlord is entitled to an order of possession
- Whether the landlord is entitled to recovery of the filing fee

Background and Evidence

Pursuant to a written residential tenancy agreement, the month-to-month tenancy began on May 1, 2008. Rent in the amount of \$700.00 is payable in advance on the first day of each month, and a security deposit of \$350.00 was collected on April 1, 2008.

The landlord served a 1 month notice to end tenancy for cause dated April 11, 2009; the notice was served in person on the tenants on that same date. The landlord submitted into evidence a copy of the notice. The date shown on the notice by when the tenants must vacate the unit is May 15, 2009. Reasons for its issuance are identified on the notice as follows:

Tenant is repeatedly late paying rent

Tenant has allowed an unreasonable number of occupants in the unit / site

Analysis

Based on the documentary evidence and undisputed testimony of the landlord, 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 they received it by filing an application for dispute resolution. 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 is May 15, 2009. Accordingly, I find that the landlord is entitled to an order of possession.

Further, I find that the landlord has established a claim for recovery of the \$50.00 filing fee for this application. I order that the landlord withhold this amount from the tenants' security deposit.

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 further order that the landlord withhold **\$50.00** from the tenants' security deposit in consideration of the filing fee for this application.

DATE: May 15, 2009

Dispute Resolution Officer