



Dispute Resolution Services

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

Decision

Dispute Codes: ET, OPC, FF

Introduction

This hearing dealt with an application from the landlord for an early end to tenancy and an order of possession, as well as recovery of the filing fee for this application. The landlord's agent participated in the hearing and gave affirmed testimony. Despite being served by way of registered mail with the application for dispute resolution and notice of hearing, the tenant did not appear.

Issues to be Decided

- Whether the landlord is entitled to an early end to tenancy and an order of possession
- Whether the landlord is entitled to recovery of the filing fee

Background and Evidence

There is no written residential tenancy agreement in place for this month-to-month tenancy which began on or around March 1, 2008. Rent in the amount of \$980.00 is payable in advance on the first day of each month, and a security deposit of \$500.00 was collected at the start of tenancy.

Arising out of the landlord's various concerns about the conduct and behaviour of the tenant, the landlord issued a 1 month notice to end tenancy for cause. The landlord submitted into evidence a copy of the 1 month notice dated March 19, 2009 which was posted on the tenant's door on March 23, 2009 and sent by registered mail. The date shown on the notice by when the tenant must vacate the unit is April 30, 2009.

Reasons shown on the notice for its issuance are 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

seriously jeopardized the health or safety or lawful right of another occupant or the landlord

put the landlord's property at significant risk

Tenant has engaged in illegal activity that has, or is likely to:

adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord

jeopardize a lawful right or interest of another occupant or the landlord

The landlord's agent testified that despite service of the 1 month notice, the tenant presently still resides in the unit.

Analysis

Based on the documentary evidence and undisputed testimony of the landlord's agent, I find that the tenant was served with a 1 month notice to end tenancy for cause. The tenant did not dispute the notice within 10 days after receiving it by filing an application for dispute resolution. The tenant is 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 April 30, 2009. Accordingly, I find that the landlord is entitled to an order of possession.

As for the monetary order, I find that the landlord is entitled to recovery of the \$50.00 filing fee for this application. The landlord may withhold this amount from the tenant's 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 tenant. This order must be served on the tenant. Should the tenant 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.

Further, I order that the landlord may withhold \$50.00 from the tenant's security deposit in consideration of the filing fee.

DATE: May 13, 2009

Dispute Resolution Officer