



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION AND REASONS

Dispute Codes

OPC & FF

Introduction

This hearing dealt with an application by the landlord seeking an Order of Possession further to a one month Notice to End Tenancy for cause served upon the tenant. Although the tenant was served with notice of this hearing and application in person on May 29, 2009 at approximately 11:00 a.m., he did not appear for the hearing. I proceeded with the hearing in the tenant's absence.

Issue to be Determined

Is the landlord entitled to an Order of Possession based on the one month Notice to End Tenancy for cause?

Background and Evidence

This is a long term tenancy which began approximately 16 years ago. The landlord stated that he purchased the building and assumed all of the tenancies; however, did not receive any paperwork. As a result he assumes that a security deposit was paid but did not know what the amount was. The current monthly rent is \$375.00.

The landlord served the tenant with a one month Notice to End Tenancy for cause on May 16, 2009 in person. The landlord requested an Order of Possession.

Analysis and Findings

I accept the landlord's evidence that the tenant was served with a one month Notice to End Tenancy on May 16, 2009 in person. The tenant had 10 days to file an application to dispute the notice. Having failed to exercise this right, I find that the tenant has accepted the end of the tenancy pursuant to section 47(5).

On this basis I grant the landlord an Order of Possession effective **June 30, 2009 at 1:00 p.m.** This Order may be filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

Conclusion

The landlord's application is granted. I Order that the landlord may recover the \$50.00 filling fee paid for this application from the tenant, by deducting it from the tenant's security deposit plus interest.

Dated June 11, 2009.

Dispute Resolution Officer