



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

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Decision

Dispute Codes: OPC, FF

Introduction

I have been delegated the authority under Section 9.1 of the *Residential Tenancy Act* (the “Act”) to hear this matter and decide the issues.

I reviewed the evidence provided by the Landlord prior to the Hearing. The Landlord gave affirmed evidence and this matter proceeded on its merits.

Issue(s) to be Decided

This is the Landlord’s application for an Order of Possession and to recover the filing fee for the cost of the application from the Tenant.

- (1) Is the Landlord entitled to an Order of Possession?
- (2) Is the Landlord entitled to recover the filing fee from the Tenant?

Background and Evidence

Landlord's testimony

The Landlord testified that he personally served the Tenant with the Notice to End Tenancy for Cause on May 22, 2009, at the Tenant’s truck, parked across from the rental unit.

The Landlord testified that he personally served the Tenant the Application for Dispute Resolution and hearing package on June 9, 2009, at the Tenant's truck, parked across from the rental unit.

The Landlord testified that:

- Rent is due on the first day of the month. The Landlord is holding a security deposit in the amount of \$250.00 as at March 1, 1984.
- The Tenant has changed the lock to the rental unit, without the Landlord's permission and has not provided the Landlord with a copy of the key to the new lock.
- The Tenant has not paid rent for the month of June, 2009.
- The Tenant remains in the rental unit.
- The Landlord asked for an Order of Possession and to recover the filing fee for the cost of the application from the Tenant.

Analysis

I accept the Landlord's testimony that the Tenant was duly served with the Notice to End Tenancy. The Tenant did not dispute the Notice to End Tenancy within 10 days of receiving the Notice to End Tenancy. Therefore, pursuant to Section 47(5) of the Act, the Tenant is conclusively presumed to have accepted that the tenancy will end on June 30, 2009.

The Landlord is entitled to an Order of Possession effective June 30, 2009, and I make that order.

The Landlord has not made an application for a monetary order for unpaid rent and I make no findings in that regard.

The Landlord has been successful in his application and is entitled to recover the filing fee in the amount of \$50.00 from the Tenant. Pursuant to Section 72(2)(b) of the Act,

the Landlord may deduct \$50.00 from the security deposit the Landlord is holding for the Tenant.

Conclusion

Under Section 55 of the Act, I grant the Landlord an Order of Possession **effective June 30, 2009**. This Order must be served on the Tenant and may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

June 22, 2009
