



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord to obtain an Order of Possession for cause and a Monetary Order to recover the cost of the filing fee.

Service of the hearing documents, by the landlord to the tenants, was done in accordance with section 89 of the *Act*, sent via registered mail to each of the three tenants on September 18, 2009. Mail receipt numbers were provided by the landlords' agent. The tenants were deemed to be served the hearing documents on September 23, 2009, the fifth day after they were mailed as per section 90(a) of the *Act*.

The landlord's agent appeared, gave affirmed testimony, was provided the opportunity to present her evidence orally, in writing, and in documentary form. There was no appearance for the tenants, despite being served notice of this hearing in accordance with the *Residential Tenancy Act*. All of the testimony and documentary evidence was carefully considered.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an Order of Possession for cause and to recover the filing fee from the tenants for the cost of the Application for Dispute Resolution, pursuant to sections 47, 55 and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The landlord submitted the following evidentiary material:

- A copy of a residential tenancy agreement which was signed by one of the tenants on January 01, 2009 for a month to month tenancy beginning on the same day, for the monthly rent of \$750.00 due on 1st of the month and a security deposit of \$375.00 was paid on January 01, 2009.
- A copy of the One Month Notice to End Tenancy for cause which was issued on August 27, 2009 with an effective vacancy date of September 30, 2009. The landlords reasons for ending the tenancy are that the tenants have significantly interfered with or unreasonable disturbed another occupant of the landlord, seriously jeopardized the health, safety or lawful right of another occupant or the landlord; put the landlords property at significant risk. The tenants have engaged in an illegal activity that has or is likely to: damage the landlords' property; 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.

Documentary evidence filed by the landlord indicates that the tenant was served the One Month Notice in person on August 27, 2009 at 05.05 pm.

The Notice states that the tenant had 10 days to apply for Dispute Resolution to dispute the Notice or the tenancy would end. The tenant did not apply to dispute the Notice to End Tenancy within 10 days.

Analysis

I have reviewed all documentary evidence and accept that the tenants have been served with notice to end tenancy as declared by the landlord. The notice is deemed to

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have been received by the tenant on August 27, 2009. The tenants did not dispute this notice within 10 days and did not attend the hearing to dispute the notice.

Based on the foregoing, I find that the tenants are conclusively presumed under section 47(5) of the Act to have accepted that the tenancy ended on the effective date of the Notice.

Conclusion

I find that the landlord is entitled to an Order of Possession effective **two days after service on the tenants** pursuant to section 55 of the *Act*. This order must be served on the tenants and may be filed in the Supreme Court and enforced as an order of that Court.

I find that the landlord is entitled to a Monetary Order to recover the cost of filing this application of **\$50.00** pursuant to section 72(1) of the *Act*.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: October 08, 2009.

Dispute Resolution Officer