



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## DECISION

Dispute Codes:

**OP, FF**

### Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has made application for an Order of possession and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

Both parties were present at the hearing. At the start of the hearing I introduced myself, the Application for Dispute Resolution was reviewed, the hearing process was explained to the parties and the parties were provided an opportunity to ask questions in relation to the hearing process. They were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed, to present affirmed testimony, to cross-examine the other party, and to make submissions during the hearing.

### Preliminary Matter

The landlord submitted 6 pages of late evidence to the Residential Tenancy Branch which I determined would be excluded. The landlord was at liberty to provide oral testimony in relation to this evidence.

### Issue(s) to be Decided

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

### Background and Evidence

The tenancy commenced on December 1, 2006. Rent is due on the first day of each month.

During the hearing the tenant agreed that he received the One Month Notice to End Tenancy for Cause that was taped to the door of his rental unit on August 14, 2009.

The tenant testified that he did not read the Notice and did not dispute the Notice. The Notice reasons include repeated late payment of rent, significant interference and disturbance to other occupants and placing the landlord's property at significant risk.

The landlord testified that the tenant made rent payments on April 2, 2008, January 2, 2009, July 2, 2009 and that on August 13, 2009 the tenant issued a NSF cheque. On



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August 13, 2009 the landlord issued a 10 Day Notice to End Tenancy for Unpaid Rent and on August 14, 2009 issued the One Month Notice to End Tenancy for Cause.

## Analysis

I find that the tenant was served with a Notice to End Tenancy for Cause that required the tenant to vacate the rental unit on September 30, 2009, pursuant to section 47 of the Act.

Section 47(4) of the Act stipulates that a tenant has ten (10) days from the date of receiving the Notice to End Tenancy for Cause to file an Application for Dispute Resolution to dispute the Notice. The tenant has confirmed that he did not read the Notice or exercise his right to dispute the Notice and, pursuant to section 47(5) of the Act, I find that the tenant accepted that the tenancy has ended. On this basis I will grant the Landlord an Order of Possession that is effective **two days after it is served upon the tenant**.

I find that the landlord's application has merit, and I find that the landlord is entitled to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

## Conclusion

The landlord has been granted an Order of possession that is effective **two days after it is served upon the tenant**. This Order may be served on the tenant, filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

I find that the Landlord has established a total monetary claim of \$50.00 comprised of the fee paid for this application and under section 67 of the Act I grant the Landlord an order in that amount. This order may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

Dated: November 09, 2009.

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Dispute Resolution Officer