

DECISION

Dispute Codes: OPC and FF

Introduction

This application was brought by the landlord seeking an Order of Possession pursuant to a one-month Notice to End Tenancy for cause, putting the landlord's property at significant risk, served in person on March 19, 2010. The landlord also sought to recover the filing fee for this proceeding from the tenants.

Issues to be Decided

This application requires a decision on whether the landlord is entitled to an Order of Possession pursuant to the Notice to End Tenancy.

Background and Evidence

This tenancy began on August 1, 2009. Rent is \$1,210 plus utilities and the landlord holds a security deposit of \$130.

During the hearing, the landlord gave evidence that the Notice to End Tenancy had been served after fire and building inspectors conducted a second inspection of the premises on March 2, 2010.

The landlord was issued with fines under the *Unsightly Premises Bylaw* and under the *Building Regulation Bylaw* for tenants using the garage as living space, evidenced by the presence of a mattress and a hot plate which was turned on at the time of the inspection.

Analysis

Section 47(4) of the *Act* provides that tenants receiving notice to end the tenancy for cause may make application to dispute the notice within ten days of receiving it.

Section 47(5) of the *Act* states that if they do not make application, they are conclusively presumed to have accepted that the tenancy ends on the date set out in the notice and must vacate the rental unit by that date.

The end of tenancy date on the Notice to End Tenancy was April 30, 2010.

In this instance, I find that the tenants have not made application and remain in the rental unit. Therefore, I find that the tenants are over holding and that the landlord is entitled to an Order of Possession.

The landlord requested and I find she is entitled to an Order of Possession to take effect at 1 p.m. on June 10, 2010.

I further find that the landlord is entitled to recover the filing fee for this proceeding from the tenants and authorize the landlord to retain \$50 from the tenant's security deposit for that purpose.

Conclusion

The landlord's copy of this decision is accompanied by an Order of Possession, enforceable through the Supreme Court of British Columbia, to take effect at 1 p.m. on June 10, 2010.

I hereby authorize and order that the landlord may retain \$50 from the tenant's security deposit to recover the filing fee for this proceeding.

May 31, 2010