

## **DECISION**

Dispute Codes      OPC, FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord to obtain an Order of Possession, and 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*, given in person to an adult person residing at the residence on June 11, 2010. A signed prove of service witnessed by a third party was presented at the hearing. The tenants were deemed to be served the hearing documents on June 11, 2010.

The landlord and his agent appeared, gave affirmed testimony, were provided the opportunity to present 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.

### Issues(s) to be Decided

- Is the landlord entitled to an Order of Possession?

### Background and Evidence

This month to month tenancy started with one of the tenants named on the application. The landlord is unsure of the date the tenancy started as the house originally belonged to his son who was the landlord for this tenant and is currently unavailable and the landlord has since taken over as the legal owner and landlord of the property. Rent for this unit is \$375.00 per month and is due on the 1<sup>st</sup> of each month.

The landlords' agent testifies that the tenants were issued with a One Month Notice to End Tenancy for Cause on May 31, 2010 with an effective date of June 30, 2010. The reasons given on this One Month Notice are that the tenants have significantly interfered with or unreasonable distributed another occupant or the landlord, the tenants have seriously jeopardized the health, safety or lawful right of another occupant or the landlord; the tenant has assigned or sublet the rental unit without the landlords written consent and the tenant has not paid a security deposit or pet damage deposit within 30 days as required by the tenancy agreement.

### Analysis

The tenants did not appear at the hearing, despite having been given a Notice of the hearing; therefore, in the absence of any evidence from the tenants, I find the tenants did not dispute the One Month Notice to End Tenancy issued on May 31, 2010. The Notice states that the tenants have 10 days to dispute the Notice or are presumed to accept the Notice and must move out of the rental unit on the date set out on the Notice. As this date set out on the Notice is June 30, 2010, The tenants have not filed an application to set the notice aside and the time allowed to do so has passed. It is my decision therefore, that the landlord is entitled to an Order of Possession at this time as he fears the tenants will not move out on June 30, 2010. Therefore, I have issued an Order of Possession to take effect on June 30, 2010 pursuant to section 55 of the *Act*.

As the landlord has been successful with his application I find he is also entitled to recover the **\$50.00** filing fee from the tenants pursuant to section 72(1) of the *Act* and a Monetary Order has been issued for this amount.

### Conclusion

I HEREBY ISSUE an Order of Possession in favour of the landlord effective on June 30, 2010. This order must be served on the Respondents and may be filed in the Supreme Court and enforced as an order of that Court.

I FURTHER ORDER the tenants to pay the **\$50.00** filing fee to the landlord.

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: June 23, 2010.

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Dispute Resolution Officer