



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes OPC, FF

Introduction

This hearing dealt with the landlord's application for an Order of Possession for cause and recovery of the filing fee paid for this application. The tenant did not appear at the hearing. The landlord testified that the tenant was personally served with notice of this hearing and the landlord's claims against the tenant on January 12, 2011. Additional evidence was personally served upon the tenant January 14, 2011. A witness appeared to affirm service of documents upon the tenant as stated by the landlord. Having been satisfied the tenant was served with notification of this hearing, I proceeded to hear from the landlord without the tenant present.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession for cause?

Background and Evidence

The landlord testified as follows. The tenancy commenced September 1, 2010 and the tenant is required to pay rent of \$675.00 on the 1st day of every month. On December 27, 2010 the landlord personally served the tenant with a 1 Month Notice to End Tenancy for Cause (the Notice). The Notice has an effective date of January 31, 2011 and indicates the reason for its issuance is that the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord.

The landlord's witness affirmed that she witnessed the landlord serve the tenant with the Notice to End Tenancy as stated by the landlord.

The tenant has not disputed the Notice. The landlord is requesting an Order of Possession as the landlord believes the tenant may not vacate on January 31, 2011 as the tenant has been indifferent about his obligations under the Act and tenancy agreement and the tenant has been uncooperative with his social workers in finding new accommodation.

Evidence provided for this hearing included a copy of the tenancy agreement and Notice to End Tenancy for Cause.

Analysis

Under section 47 of the Act, a tenant who receives a Notice to End Tenancy for Cause has 10 days to dispute the Notice. If a tenant does not dispute the Notice the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date on the Notice and must vacate the rental unit by that date.

I am satisfied the tenant received a Notice to End Tenancy for Cause on December 27, 2010 and did not dispute the Notice. Therefore, I find the tenancy shall end on January 31, 2011 and the tenant must vacate the rental unit by that date pursuant to section 47 of the Act.

In light of the above, I grant the landlord's request for an Order of Possession to be effective at 1:00 p.m. on January 31, 2011. The Order of Possession must be served upon the tenant and may be enforced in The Supreme Court of British Columbia as an Order of that court.

The landlord is authorized to deduct \$50.00 from the tenant's security deposit in order to recover the filing fee paid for this application.

Conclusion

The tenancy shall end and the landlord is provided an Order of Possession effective at 1:00 p.m. on January 31, 2011. The landlord is authorized to deduct \$50.00 from the tenant's security deposit to recover the filing fee from the tenant.

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: January 26, 2011.

Residential Tenancy Branch