



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPC, FF

Introduction

This hearing was convened in response to an Application for Dispute Resolution, in which the Landlord has made application for an Order of Possession for Cause and to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution.

Both parties were represented at the hearing. They were provided with the opportunity to submit documentary evidence prior to this hearing, to present relevant oral evidence, to ask relevant questions, and to make relevant submissions to me.

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 fee for filing the Application for Dispute Resolution.

Background and Evidence

The Landlord and the Tenant agreed that this tenancy began on December 15, 2010 and that the Tenant is still occupying the rental unit.

The Landlord and the Tenant agree that the Tenant received a One Month Notice to End Tenancy for Cause on, or about, April 08, 2011, which declared that he must vacate the rental unit on May 31, 2011.

The Landlord and the Tenant agree that the Tenant filed an Application for Dispute Resolution in which he disputed the Notice to End Tenancy that had been served to him on, or about, April 08, 2011. The parties agree that there was a dispute resolution hearing on May 04, 2011, at which time the Tenant's application to set aside the Notice to End Tenancy was considered. The parties agree that at the conclusion of the hearing the dispute resolution officer presiding over the hearing dismissed the Tenant's application to set aside the Notice to End Tenancy; he found that the Notice to End Tenancy that was of full force and effect; he found that the tenancy would end on May 31, 2011; and he determined that the Landlord is entitled to make an application for an Order of Possession.

Analysis

On the basis of the undisputed evidence presented at the hearing, I find that the Landlord served the Tenant with a One Month Notice to End Tenancy for Cause, on or about April 08, 2011; that the Notice had a declared effective date of May 31, 2011; that a dispute resolution officer found this Notice to be of full force and effect at a dispute resolution hearing on May 04, 2011; that the dispute resolution officer found that the tenancy would end of May 31, 2011; and that the Tenant did not vacate the rental unit as required by the Notice to End Tenancy.

As the Tenant did not vacate the rental unit on May 31, 2011, as required by the Notice to End Tenancy, I find that the Landlord is entitled an Order of Possession. I therefore grant the Landlord an Order of Possession, pursuant to section 62(3) of the *Residential Tenancy Act (Act)*. I find this Order is necessary, as the Tenant is not complying with his legal obligation to vacate the rental unit on May 31, 2011.

As the Landlord's Application for Dispute Resolution has merit, I find that the Landlord is entitled to \$50.00 in compensation for the filing fee paid by the Landlord for this application.

Conclusion

I hereby grant the Landlord 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 also grant the Landlord a monetary Order in the amount of \$50.00, as compensation for the filing fee paid by the Landlord for this application. In the event that the Tenant does not voluntarily comply with this Order, it may be served on the Tenant, filed with the Province of British Columbia Small Claims Court, and enforced as an Order of that Court.

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 02, 2011.

Residential Tenancy Branch