



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, MND, FF

Introduction

This conference call hearing was convened in response to the landlord's application for an Order of Possession for cause; a Monetary Order for damage to the rental unit; and to recover the filing fee associated with this application.

The landlord participated in the hearing and provided affirmed testimony. He testified that he served the Notice of a Dispute Resolution Hearing to the tenants in person on May 9th, 2011. The tenants did not participate and the hearing proceeded in their absence.

At the outset, the landlord withdrew his application for the monetary order and accordingly this portion of the application is dismissed with leave to reapply.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to recover the filing fee?

Background and Evidence

The rental unit consists of a suite in a four-unit complex. The month to month tenancy started on March 1st, 2010, and this landlord took over management of the tenancy in February 2011.

The rent is \$650.00 and the tenants paid a security deposit of \$325.00.

The landlord testified that the tenancy was fraught with problems since the beginning. He stated that the tenants are self-confessed drug dealers. He said that other tenants call the police weekly to report problems with drug overdose, arrests, prostitution, and the continual traffic in and out of the suite associated with these activities. He said that the tenants are friendly and that he is on speaking terms with them; he said that when he served them the notice of dispute resolution, they acknowledged that they cause problems in the complex, that they get carried away, and told the landlord that they would leave. The landlord is applying for an order of possession.

Analysis

I accept the landlord's undisputed testimony that he served the tenants with the Notice of Dispute Resolution in a proper manner pursuant to section 89 of the *Residential Tenancy Act*. I find that the tenants knew, or ought to have had knowledge of the date scheduled for this hearing.

Section 47(5) of the *Residential Tenancy Act* provides that if a tenant who has received a notice to end tenancy with cause does not make an application for dispute resolution within 10 days, the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice and must vacate the rental unit by that date. The tenants in this matter have not filed an application for dispute resolution.

On that basis I find that the landlord had grounds to issue the Notice to End Tenancy and that it is valid.

Conclusion

I grant the landlord an Order of Possession effective two days from the date the order is served upon the tenant.

This Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

Since he was successful, the landlord is entitled to recover the filing fee and pursuant to Section 67 of the Act, I grant the landlord a monetary order for \$50.00.

This Order may be registered in the 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