

## **DECISION**

Dispute Codes      OPC, FF

### Introduction

This is an application filed by the Landlord for an order of possession as a result of a 1 month notice to end tenancy for cause and recovery of the filing fee.

Both parties attended the hearing by conference call and gave testimony.

During the hearing, the Landlord withdrew his application for recovery of the filing fee.

### Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

### Background and Evidence

The Landlord states that the Tenant was served with the 1 month notice to end tenancy for cause by registered mail on July 15, 2011 and has provided the returned registered mail package that was not collected after notices were left for the Tenant to collect the package. The Landlord also states that the 1 month notice to end tenancy was sent by regular post to the Tenant on July 25, 2011 and then again personally served by the Property Agent, L.A. of NAI Goddard & Smith Realty Services Inc. on July 28, 2011. The Tenant disputes receiving the notice by stating that she was out of town on vacation during the month of July 2011 and was not in receipt of the 1 month notice to end tenancy until the beginning of August 2011. The Tenant did not file for dispute resolution within 10 days upon receiving the notice. The Landlord disputes that the Tenant was away on vacation. The Tenant has not filed any evidence.

The Landlord states that the notice of hearing package was served by registered mail on August 11, 2011. The Tenant states that she did not receive the notice. The Landlord has provided the Canada Post registered mail package that was returned to the sender after notices were left for the Tenant to collect the package.

The Landlord has provided a letter dated March 9, 2011 from an agent from the Property Manager stating that numerous complaints were made by other residents that a person, "Grant" (considered a roommate by the Property Management) was seen and heard by

several residents to be conducting drug deals on the property. The Landlord has also provided a letter dated July 12, 2011 which was provided with the 1 month notice to end tenancy for cause which states that the Tenant's guest is a "constant source of complaints", from residents. The Property Management also notes threats uttered against residents by,"Grant". A recent occurrence took place, where police attended and "Grant" refused entry to the Police, resulting in the door being broken to gain entry and being taken away.

### Analysis

Based upon the testimony of both parties and the evidence provided by the Landlord, I am satisfied that the Tenant was properly served with the notice to end tenancy by registered mail. The Tenant is deemed to have received the notice 5 days after July 15, 2011 by registered mail. I also find on a balance of probabilities that the Tenant was properly served with the notice of hearing documents by registered mail on August 11, 2011.

The Tenant has failed to file for dispute resolution within the allowed 10 days upon receipt of the notice. The Tenant is presumed to accept the notice and must move out on the effective date of the notice on September 1, 2011.

In any event, I find based upon the testimony of both parties and the evidence provided by the Landlord that the reasons for cause have been established. The Landlord is granted an order of possession. The Tenant must be served with the order of possession. Should the Tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

### Conclusion

The Landlord is granted an order of possession.

The Landlord's application for recovery of the filing fee has been withdrawn.

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: September 13, 2011.

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Residential Tenancy Branch