



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *OPC, OPB, FF*

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession pursuant to the notice to end tenancy for cause. The notice of hearing was served on the tenant on August 05, 2011 by registered mail. The landlord filed a tracking number. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions

Issues to be decided

Does the landlord have cause to end the tenancy? Is the landlord entitled to the recovery of the filing fee?

Background and Evidence

The landlord testified that the tenancy started on August 28, 2010. The monthly rent is \$645.00 payable in advance, on the first of each month. The tenant paid a security deposit of \$322.50. The rental unit consists of an apartment located in a multi storey apartment complex.

The landlord testified that that due to problems requiring police involvement, the other residents of the apartment complex made complaints to the landlord regarding disturbances and criminal behaviour. The landlord filed police file numbers regarding incidents of firearm offences, production of cannabis and probation offences.

On June 24, 2011 the landlord served the tenant with a notice to end tenancy for cause. The tenant did not dispute the notice nor has the tenant moved out on the effective date of the notice (July 31, 2011).

Analysis

The tenant received the notice to end tenancy for cause on June 24, 2011 and did not dispute the notice to end tenancy. Pursuant to section 47 (5) of the *Residential Tenancy Act*, if a tenant has received a notice to end tenancy for cause and does not make an application for dispute resolution within ten days after receiving the notice, 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.

Therefore, I find that the landlord is entitled to an order of possession and pursuant to section 55(2); I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

Conclusion

The notice to end tenancy is upheld and I grant the landlord an order of possession effective two days after service on the tenant. Since the landlord has proven her case she may retain \$50.00 from the security deposit towards the recovery of the filing fee.

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 01, 2011.

Residential Tenancy Branch