



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, MNR, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order. Both parties participated in the conference call hearing.

At the hearing the landlord withdrew the monetary claim as the rent for which he had made a claim had been paid. The hearing proceeded to address the claim for an order of possession.

Issue to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The parties agreed that on July 1, 2011, the tenant was served with a one month notice to end tenancy for cause. The tenant did not dispute that notice.

Analysis

Section 47(5) of the Act provides that if a tenant does not dispute a one month notice to end tenancy for cause within 10 days of receipt, he is conclusively presumed that the tenancy ends on the effective date of the notice. I therefore find that the tenancy has ended and that the landlord is entitled to an order of possession. I grant the landlord an order of possession which must be served on the tenant. If the tenant fails to comply with the order, it may be filed in the Supreme Court and enforced as an order of that Court.

As the landlord has been successful in his application, he is entitled to recover the \$50.00 filing fee. I order the landlord to retain \$50.00 from the tenant's security deposit. The balance of the deposit should be dealt with in accordance with the Act.

Conclusion

The landlord is granted an order of possession and may retain \$50.00 from the security deposit.

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