



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, FF

Introduction

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

The landlord participated in the hearing. She testified that she served the Notice of a Dispute Resolution Hearing to the tenants by way of registered mail sent on August 5th, 2011, and provided a tracking number. The tenants did not participate and the hearing proceeded in their absence.

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 an apartment in a multi-unit complex. The landlord testified that the month to month tenancy started on April 1st, 2011; the rent is \$1000.00 per month; and the tenants paid a security deposit of \$500.00.

The landlord stated that the tenants have late repeatedly later paying rent; she said that April rent was paid on the 5th; May rent on the 3rd, and June rent on the 2nd. In her documentary evidence, the landlord provided a copy of the 1Month Notice to End Tenancy served on the tenants on July 19th, 2011 with an effective date of August 31st, 2011.

Analysis

I accept the landlord's undisputed testimony that she 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 tenant in this matter has not filed an application for dispute resolution.

Based on the above I find that the landlord is entitled to an Order of Possession.

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.

The landlord is entitled to recover the filing fee and I authorize the landlord to deduct \$50.00 from the tenant's 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 02, 2011.

Residential Tenancy Branch