



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an order of possession and a monetary order.

The hearing was conducted via teleconference and was attended by the landlord only. The tenant did not attend. I accept the tenant was served with notice of this hearing by the landlord's agent.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for Cause; to a monetary order to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 47, 55, 67, and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The landlord testified the tenancy began as a month to month tenancy for the monthly rent of \$375.00 due on the 1st of each month and a security deposit of \$187.50 was paid.

The landlord submitted into evidence a copy of a 1 Month Notice to End Tenancy for Cause that was issued on May 13, 2011 with an effective vacancy date of July 1, 2011 citing the tenant or a person permitted on the property by the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord; that the tenant has breached a material term of the tenancy.

The landlord indicates the tenant was served the 1 Month Notice to End Tenancy for Cause by posting it to the rental unit door on May 13, 2011.

The Notice states the tenant had ten days to apply for Dispute Resolution or the tenancy would end. The tenant did not apply to dispute the Notice to End Tenancy within ten days.

Analysis

I have reviewed all documentary evidence and accept that the tenant has been served with notice to end tenancy as declared by the landlord. The notice is deemed to have been received by the tenant on May 16, 2011 and the effective date of the notice was July 1, 2011. I accept the evidence before me that the tenant failed to apply to dispute the notice within the ten days granted under Section 47(4) of the *Act*.

Based on the foregoing, I find the tenant is conclusively presumed under Section 47(5) of the *Act* to have accepted that the tenancy ended on the effective date of the Notice.

Conclusion

I find the landlord is entitled to an order of possession effective **two days after service on the tenant**. This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

I find the landlord is entitled to monetary compensation pursuant to Section 67 and in the amount of **\$50.00** comprised of the \$50.00 fee paid by the landlord for this application. I order the landlord may deduct this amount from the security deposit of \$187.50 in total satisfaction of this claim, leaving a balance of \$137.50 to be disbursed in accordance with the requirements of the *Act*, after a tenancy ends.

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