

## **DECISION**

Dispute Codes      OPC, FF

### Introduction

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

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend.

At the beginning of the hearing, the Landlord stated that an amended application to include unpaid October 2011 rent was filed on October 19, 2011. No amendment is in the file. The filed package was registered to another RTB File Number against a different Tenant. The Landlord states that it should be for this dispute application. The Landlord states that it was sent by registered mail on October 19, 2011 to the Tenant. I find that an amended application to include a monetary order this late is biased against the Tenant. The amended application is dismissed.

### Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

### Background and Evidence

The Landlord states that the notice of hearing documents were sent by registered mail on September 21, 2011 to the Tenant. The Landlord has provided a copy of the registered mail receipt tracking number in evidence. The Landlord states that Canada Post Registered Mail package was not returned to her.

The Landlord states that the 1 month notice to end tenancy for cause was served on the Tenant by posting it on the door on July 30, 2011 as indicated on the notice. The Landlord has included a proof of service document confirming service with a witness to the service. The notice dated July 30, 2011 states a move-out date of August 31, 2011. The Landlord states at this time that the Tenant has failed to pay rent for October 2011. The Landlord states that she currently holds a \$225.00 security deposit in trust.

### Analysis

I find based upon the undisputed testimony of the Landlord and the registered mail evidence that the Tenant has properly served with the notice of hearing documents.

I accept the Landlord's undisputed testimony and I find that the Tenant was served with a notice to end tenancy for cause. The Tenant did not file an application for dispute resolution within the allowed 10 days upon receiving the notice and is therefore conclusively presumed to have accepted that the tenancy is at an end on the effective date of the notice. Based upon the above, I find that the Landlord is entitled to 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.

The Landlord is entitled to recovery of the \$50.00 filing fee. I order that the Landlord may retain \$50.00 from the security deposit.

### Conclusion

The Landlord is granted an order of possession.  
The Landlord 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: October 20, 2011.

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Residential Tenancy Branch