



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, OPC, MNDC

Introduction

A substantial amount of documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The applicant(s) testified that the respondent(s) was served with notice of the hearing by registered mail that was mailed on October 4, 2011, however the respondent(s) did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for an Order of Possession based on a Notice to End Tenancy that was given for cause, a request for a monetary order for \$800.00, and a request for recovery of the \$50.00 filing fee.

Background and Evidence

The applicant testified that:

- They served the tenant with a one month notice for cause on August 31, 2011 by placing the notice in her mailbox.
- On September 4, 2011 the tenant recovered the notice from her mailbox and then gave notice that she would not vacate until October 31, 2011.
- The tenant has refused to vacate and has refused to pay October 2011 rent.
- He is therefore requesting an Order of Possession be issued and that an order be issued for the full \$800.00 October 2011 rent.

Analysis

The notice given by the landlord in the mailbox on August 31, 2011 is not considered served until three days later.

Therefore the notice is considered to been served on September 3, 2011, and any one month Notice to End Tenancy served in the month of September 2011 has an effective end of tenancy date of October 31, 2011.

Therefore I am willing to issue an Order of Possession for October 31, 2011.

Further, the tenant is still liable for rent for the month of October and since the tenant has refused to pay any rent for the month of October 2011, I am also willing to issue an order for that outstanding rent.

I also allow recovery of the filing fee.

Conclusion

I have issued an Order of Possession for 1 p.m. on October 31, 2011.

I have issued a monetary order in the amount of \$850.00.

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 26, 2011.

Residential Tenancy Branch