



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 by the landlord for an order of possession pursuant to a notice to end tenancy for cause. Only the landlord participated in the teleconference hearing.

The landlord named two tenants as respondents in the application. The landlord personally served one of the two tenants, MS, with the application for dispute resolution and notice of hearing on October 3, 2011. The landlord attempted to serve the application for dispute resolution and notice of hearing on the other tenant, ML, by leaving it in the mailbox of the rental unit. As the landlord did not serve ML with notice of the hearing in accordance with the Act, I dismissed the landlord's application as against ML and removed ML as a respondent in this matter.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

On August 29, 2011 the landlord personally served the tenants with a notice to end tenancy for cause. The tenants did not make an application to dispute the notice.

Analysis

Based on the landlord's undisputed evidence I find that the tenants were served with a notice to end tenancy for cause and did not apply for dispute resolution to dispute the notice. The tenants are therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. Based on the above facts I find that the landlord is entitled to an order of possession.

The landlord is also entitled to recovery of the \$50 filing fee.

Conclusion

I grant the landlord an order of possession effective two days from service. The tenants must be served with the order of possession. Should the tenants 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.

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 28, 2011.

Residential Tenancy Branch