



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF OP

Introduction

This hearing dealt with an application by the landlord for an order for possession and recovery of the filing fee. Both parties attended the hearing and had an opportunity to be heard.

Issues

Is the landlord entitled to the requested order?

Background and Evidence

This tenancy began on October 1, 2010. The rent is \$800.00 due in advance on the first day of each month. On July 11, 2011 the tenants were served with a Notice to End Tenancy for cause. The tenants did not file an application to dispute the Notice.

The tenants say that they have been paying the rent and therefore thought that they were “good to go” and that the eviction notice had been cancelled.

Ms. Allison confirmed that rent had been accepted on a “use & occupancy” basis. The landlord submitted receipts in support of this testimony.

Analysis

Section 47 of the Act requires that upon receipt of a Notice to End Tenancy for cause the tenant must, within ten days, dispute the notice by filing an Application for Dispute Resolution with the Residential Tenancy Branch. If, as in the present case, the tenant does not dispute the Notice the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice.

In the present case the effective day (corrected) of the Notice is August 31, 2011.

Conclusion

Based on the above I find that the landlord is entitled to an order for possession effective two days from the date of service. I also find that the landlord is entitled to recover the filing fee from the tenants. This order may be filed in the Supreme Court 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*.