



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 pursuant to the *Residential Tenancy Act* for orders as follows:

1. An Order of Possession respecting a Notice to End Tenancy given for Cause;
and
2. An Order to recover the filing fee pursuant to Section 72.

I accept the evidence of the landlord that the tenant was properly served with the Notice to End Tenancy given for cause by way of personal service and with the Application for Dispute Resolution hearing package by way of registered mail which delivery was refused.

The tenant did not appear. The landlord was given full opportunity to be heard, to present evidence and to make submissions.

On the basis of the solemnly sworn evidence presented at the hearing a decision has been reached.

Issue(s) to be Decided

Whether the landlord has cause to end this tenancy and receive an Order of Possession and whether the landlord is entitled to monetary order for unpaid rent and recovery of the filing fee.

Background and Findings

Order of Possession

I find that the landlord is entitled to an Order for Possession. The landlord has served a Notice to End Tenancy on September 16, 2011, as set out in that notice the tenant had 10 days after service to dispute the notice. The tenant did not dispute the Notice. When a tenant does not dispute a notice the tenant is deemed to have accepted the Notice and accepted that the tenancy will end on the effective date set out in that Notice.

Filing Fees

As the landlord has been successful in the claim I find that the landlord is entitled to recover the filing fees paid for this application. The landlord may deduct \$50.00 from the security deposit in order to realize recovery of this sum.

Conclusion

The landlord is provided with a formal copy of an order of possession. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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: November 29, 2011.

Residential Tenancy Branch