



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPC, FF

Introduction

This hearing was convened in response to the landlord's application for an order of possession / and recovery of the filing fee. Both parties attended the hearing and gave affirmed testimony.

Issue(s) to be Decided

Whether the landlord is entitled to either or both of the above under the Act, Regulation or tenancy agreement.

Background and Evidence

Pursuant to a written tenancy agreement, a copy of which is not in evidence, the tenancy began in September 2010. It is understood that monthly rent at the start of tenancy was \$900.00, and that a security deposit of \$450.00 was collected.

The landlord issued a 1 month notice to end tenancy for cause dated November 27, 2011. The notice was served by way of posting on the tenants' door on that same date. A copy of the notice was submitted in evidence. Subsequently, the tenants have not filed an application to dispute the notice and they continue to reside in the unit.

Analysis

Based on the documentary evidence and testimony of the parties, I find that the landlord issued a 1 month notice to end tenancy for cause dated November 27, 2011, by way of posting on the tenants' door. As the tenants have made no application to dispute the notice, I find that they are conclusively presumed under section 47(5) of the Act to have accepted that the tenancy ended on the effective date of the notice. Accordingly, I find that the landlord has established entitlement to an order of possession. While the order of possession will be effective two (2) days after service on the tenants, the agent representing the landlord at the hearing informed the tenant that she might be able to

remain in the unit until January 31, 2012, on the condition that frequent comings and goings by visitors to the unit come to an immediate end.

As the landlord has succeeded in this application, I find that the landlord has established entitlement to recovery of the \$50.00 filing fee. I order that the landlord may recover this fee by way of withholding \$50.00 from the tenants' security deposit at the end of tenancy.

Conclusion

I hereby issue an order of possession in favour of the landlord effective not later than **two (2) days** after service on the tenants. This order must be served on the tenants. 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.

I hereby order that the landlord may recover the filing fee for this application by way of withholding \$50.00 from the tenants' security deposit at the end of tenancy.

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: January 09, 2012.

Residential Tenancy Branch