

DECISION

Dispute Codes OPC, OPB, FF

Introduction

This is an application filed by the Landlord for an order of possession resulting from a 1 month notice to end tenancy for cause and a monetary order for the recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend. The Landlord states that the Tenant was personally served with the notice of hearing and the Landlord's evidence package on February 10, 2012. The Landlord has provided a proof of service document dated February 10, 2012 which the Tenant's signature indicates that the package was received and was witnessed on the same day. The Tenant has not submitted any evidence. As such, I find that the Tenant has been served properly with the notice and evidence package under the Act.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Background and Evidence

The Landlord states that a 1 month notice to end tenancy for cause dated December 30, 2012 was served on the Tenant on the same day. The notice shows an effective date of January 31, 2012. The Landlord states that the Tenant is still occupying the rental unit as of the date of this hearing. The reason stated on the notice is that a breach of a material term of the tenancy agreement occurred that was not corrected within a reasonable time after written notice to do so.

Analysis

I accept the Landlord's undisputed testimony and I find that the Tenant was served with a notice to end tenancy for cause. The Tenant has not filed for dispute within 10 days of receiving the notice. The Tenant is presumed to accept the notice and must vacate the rental unit. The Landlord is entitled to an order of possession. The Tenant must be served with the order of possession. Should the Tenant 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.

The Landlord is entitled to recovery of the \$50.00 filing fee. The Landlord is granted a monetary order under section 67 for \$50.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The Landlord is granted an order of possession and a monetary order for \$50.00.

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: February 28, 2012.

Residential Tenancy Branch