

## **DECISION**

Dispute Codes      OPC, FF

### Introduction

This is an application filed by the Landlord for an order of possession after a notice to end tenancy for cause was served on the Tenant and 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 notice of hearing package was served by posting it on the rental unit door on March 5, 2012. The Landlord's witness, B.B. states that after it was posted the Tenant opened the rental unit door and took it into the rental and closed the door. The Landlord's witness states that as they were leaving the Tenant re-opened the door and re-posted the notice on the door. I am satisfied based upon the testimony of the witness that the Tenant was properly served with the notice on March 5, 2012 as per the Act.

### Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

### Background and Evidence

The Landlord states that the Tenant was served with a 1 month notice to end tenancy for cause on January 20, 2012 and not January 29, 2012 as dated on the notice. The notice shows an effective date of February 29, 2012. The Landlord states that a letter dated January 20, 2012 which has been submitted into evidence was attached to the notice explaining the Tenant's breaches. The Landlord has also submitted letters of complaint from other Tenants over the same issues that were brought up in the letter dated January 20, 2012.

### Analysis

I accept the Landlord's undisputed testimony that a 1 month notice to end tenancy for cause was served on the Tenant on January 20, 2012. The Tenant did not file for dispute within the allowed 10 days of receiving the notice and is therefore conclusively presumed to accept that the tenancy ended on the effective date of the notice. Based upon the above undisputed facts, I find that 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 also entitled to recovery of the \$50.00 filing fee. I grant the Landlord a monetary order for \$50.00.

### 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: March 20, 2012.

---

Residential Tenancy Branch