

DECISION

Dispute Codes OPC, 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 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 both the Tenants were served with the notice of hearing and evidence package by Canada Post Registered Mail and have provided the Canada Post Customer Receipt Tracking numbers in her direct testimony. As such, I am satisfied that both Tenants were properly served with the notice and evidence under the Act.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Background and Evidence

The Landlord has submitted a copy of the 1 month notice to end tenancy dated February 23, 2012, which the Landlord states was posted to the rental unit door on the same day. The notice shows an effective date of March 31, 2012. The notice shows that the reasons listed are that the Tenant has engaged in illegal activity that has or is likely to damage the landlord's property; adversely affect the quiet enjoyment, security, safety or physical well being of another occupant or the landlord; jeopardize a lawful right or interest of another occupant or the landlord. The Landlord has also submitted a letter from another Tenant outlining their issues of complaint with the Tenants.

Analysis

I accept the undisputed testimony of the Landlord. As the Tenant has not attended to dispute the Landlord's claims, I am satisfied that the Tenant was served with the 1 month notice to end tenancy for cause dated February 23, 2012 by posting it on the

rental unit door. The Tenant is deemed to have received the notice 3 days later under the provisions of the Act. The Tenant has not filed for dispute of the notice within the allowed 10 day after receiving it and is presumed to accept that the Tenancy is at an end on the effective date of the notice on March 31, 2012. Based upon the above 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 entitled to recovery of the \$50.00 filing fee. I grant the Landlord 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: March 27, 2012.

Residential Tenancy Branch