



Dispute Resolution Services

Page: 1

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 an order of possession pursuant to the notice to end tenancy for cause. The notice of hearing was served on the tenant by registered mail on February 29, 2012. The landlord filed a tracking slip. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions

Issues to be decided

Does the landlord have cause to end the tenancy? Is the landlord entitled to the recovery of the filing fee?

Background and Evidence

The landlord testified that the tenancy started on November 01, 2008. The monthly rent is \$1,495.00 payable in advance, on the first of each month. The tenant paid a security deposit of \$747.50.

The landlord received complaints from other occupants of the residential complex regarding noise disturbances and erratic behaviour by the tenant. The landlord served the tenant with warning letters. The disturbances continued and on February 03, 2012, the landlord served the tenant with a one month notice to end tenancy by posting it on the front door.

Analysis

Based on the undisputed testimony of the landlord, I also find that the tenant received the notice on February 03, 2012 and did not dispute the notice to end tenancy.

Pursuant to section 47 (5) of the *Residential Tenancy Act*, if a tenant has received a notice to end tenancy for cause and does not make an application for dispute resolution within ten days after receiving the notice, the tenant is conclusively presumed to have accepted that the **tenancy ends on the effective date of the notice** and must vacate the rental unit by that date.

Therefore, I find that the landlord is entitled to an order of possession and pursuant to section 55(2); I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

Conclusion

The notice to end tenancy is upheld and I grant the landlord an order of possession effective two days after service on the tenant. Since the landlord has proven her case she may retain \$50.00 from the security deposit towards the recovery of the filing fee.

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 14, 2012.

Residential Tenancy Branch