



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, FF

Introduction

This hearing dealt with the landlord's application for dispute resolution for an Order for Possession based upon a 1 Month Notice to End Tenancy for Cause (the "Notice") and to recover the filing fee for the application.

The landlord's agent appeared and stated that the tenant had vacated the rental unit on March 12, 2012, that a final inspection had been conducted by the parties on that date and the security deposit had been dealt with.

Despite this, the landlord's agent stated that he still requested an order of possession for the landlord's records and a ruling on recovery of the filing fee.

Issue(s) to be Decided

Is the landlord entitled to an order of possession and to recover the filing fee?

Background and Evidence

The tenant, who was issued a 1 Month Notice to End Tenancy for Cause on January 5, 2012, by the landlord, subsequently filed an application for dispute resolution seeking to cancel the Notice.

The hearing on the tenant's application was held on February 6, 2012, and a Decision by another Dispute Resolution Officer ("DRO") was issued on that date. The DRO in the decision of February 6, 2012, determined that the landlord had sufficiently proven the cause listed on the Notice to End Tenancy of January 5, 2012, and dismissed the tenant's application to cancel the Notice.

Subsequent to the Decision of February 6, 2012, the tenant filed an application for Review of that Decision, resulting in the reviewing DRO dismissing the application for Review and confirming the original Decision. The Decision on the application for Review was dated February 27, 2012.

Due to the dismissal of the tenant's application to cancel the Notice and the dismissal of the tenant's application for review, the landlord filed this application seeking an order of possession.

Analysis

Based on the above testimony, evidence, and on a balance of probabilities, I find as follows:

Section 47 of the Residential Tenancy Act (the “Act”) states that a landlord may end a tenancy by issuing to the tenant a 1 Month Notice to End Tenancy for Cause. The landlord issued such Notice to the tenant and the tenant’s application to cancel the Notice was dismissed.

I therefore find that the landlord is entitled to an order of possession effective 2 days after service upon the tenant.

I am enclosing the order of possession with the landlord’s Decision. This order is a **legally binding, final order**, and may be filed in the Supreme Court of British Columbia for enforcement should the tenant fail to comply with this order of possession.

I also find that the landlord’s application had merit and that they are entitled to recovery of the filing fee, in the amount of \$50.00.

I grant the landlord a monetary order in the amount of \$50.00, which is included with their Decision. This order is a **legally binding, final order**, and may be filed in the Provincial Court of British Columbia (Small Claims) for enforcement should the tenant fail to comply with this monetary order.

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 23, 2012.

Residential Tenancy Branch