



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, OPB, FF

### Introduction

This matter dealt with an application by the Landlord for an Order of Possession and to recover the filing fee for this proceeding.

The Landlord's application named F.G. as a Tenant, however this person is not named on the copy of the tenancy agreement provided by the Landlord and therefore I find that he is not properly named as a party to these proceedings and the style of cause is amended by removing F.G. as a party. The Landlord said the other tenant named on the tenancy agreement has already vacated the rental unit. The Landlord said he served the Tenant, S.B., with the Application and Notice of Hearing (the "hearing package") in person on April 11, 2012. Based on the evidence of the Landlord, I find that the Tenant was served with the Landlord's hearing package as required by s. 89 of the Act and the hearing proceeded in the Tenant's absence.

### Issue(s) to be Decided

1. Does the Landlord have grounds to end the tenancy?

### Background and Evidence

This month to month tenancy started on September 1, 2011. The Landlord said he served the Tenant in person on March 25, 2012 with a One Month Notice to End Tenancy for Cause dated March 26, 2012 with a witness present.

### Analysis

Section 47(4) of the Act says that a Tenant who receives a One Month Notice has 10 days from the date they receive the Notice to apply for dispute resolution to cancel the Notice. If the tenant does not dispute the Notice within 10 days, then pursuant to s. 47(5) of the Act they are conclusively presumed to have accepted that the tenancy will end on the effective date of the Notice and they must vacate the rental unit on that day.

I find that the Tenant was served in person on March 25, 2012 with a One Month Notice to End Tenancy for Cause. Consequently, the Tenant had until April 4, 2012 at the latest to apply for dispute resolution to cancel the Notice. However, I find that the Tenant has not applied for Dispute Resolution and as a result, I find pursuant to s. 55(2)(b) of the Act that the Landlord is entitled to an Order of Possession to take effect on April 30, 2012 (the effective date of the Notice).

As the Landlord has been successful in this matter, he is also entitled pursuant to s. 72 of the Act to recover from the Tenant, the \$50.00 filing fee for this proceeding.

### Conclusion

An Order of Possession to take effect at 1:00 p.m. on **April 30, 2012** and a Monetary Order in the amount of **\$50.00** have been issued to the Landlord. A copy of the Orders must be served on the Tenant; the Order of Possession may be enforced in the Supreme Court of British Columbia and the Monetary Order may be enforced in the Provincial (Small Claims) Court of British Columbia.

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: April 25, 2012.

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Residential Tenancy Branch