

DECISION

Dispute Codes O, FF

Introduction

This is an application filed by the Landlord for an order of possession 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 stated that the Tenant was served with the notice of hearing and evidence package by Canada Post Registered Mail on May 11, 2012. The Landlord has submitted in her direct testimony the Canada Post Registered Mail Tracking Number RW#####CA as evidence of service. The Landlord indicated in her testimony that Canada Post has attempted service of the package several times with no success and have left notices of the package for pickup. The Landlord further states that as of the date of the hearing the package has not been picked up by the Tenant. I accept the Landlord's direct testimony and find that the Tenant was properly served by Canada Post Registered Mail and is deemed to have been properly served.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Background and Evidence

This Tenancy began on December 1, 2011 on a fixed term tenancy ending on April 30, 2012 as shown in the Landlord's submitted copy of the signed tenancy agreement. The Landlord's evidence shows that the Tenancy was subject to the Tenant abiding by a behaviour agreement, which was breached. The Landlord has also submitted a copy of the agreement signed and dated on November 29, 2011 as well as various letters of complaints from other Tenants. The Landlord has also submitted warning letters of complaint on April 3 and the 27th from the Landlord. The Landlord has also submitted a copy of a letter from the property manager to the Tenant to meet to discuss the situation with the Tenant. The Landlord states that Tenant has not contacted the Landlord at all. The Landlord states that the Tenant is still possession of the rental unit and that the Landlord is seeking an order of possession as the agreed upon end date of April 30, 2012 has passed.

Analysis

I accept the undisputed testimony of the Landlord and find that she has established a claim for an order of possession. The documentary evidence submitted clearly shows that the Tenant was made aware of the complaints and that her Tenancy was in jeopardy. As the Landlord has indicated that the Tenant is still in possession at the time of this hearing, I grant the Landlord an order of possession. The Tenant must be served with 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 an 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: May 30, 2012.

Residential Tenancy Branch