



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPC; FF

Introduction

This is the Landlord's application for an Order of Possession and to recover the cost of the filing fee from the Tenants.

The Landlord's agent gave affirmed testimony at the Hearing.

The Landlord's agent testified that the Notice of Hearing documents were hand delivered to the Tenants at the Landlord's office on May 7, 2012.

Based on the affirmed testimony of the Landlord's agent, I am satisfied that the Tenants were duly served with the Notice of Hearing documents. Despite being served with the Notice of Hearing documents, the Tenants did not sign into the teleconference and the Hearing proceeded in their absence.

Issues to be Decided

- Is the Landlord entitled to an Order of Possession?

Background and Evidence

The Landlord's agent gave the following testimony and evidence:

The Tenants were served with a Notice to End Tenancy for Cause on March 5, 2012, by handing the document to the Tenants at the rental unit. A copy of the Notice to End Tenancy was provided in evidence.

The Tenants gave the Landlord a letter stating that they would comply with the Notice and move out of the rental unit by "the end of April". A copy of the Tenants' letter was provided in evidence.

The Tenants appear to have moved most of their belongings from the rental unit, but have not returned the keys to the rental unit. The Landlord requests an Order of Possession.

The Landlord is holding a security deposit in the amount of \$500.00.

Analysis

I accept that the Landlord served the Tenants with the Notice to End Tenancy by on March 5, 2012. The Tenants did not file an Application for Dispute Resolution to cancel the Notice. The Tenants provided the Landlord written notice that they would be complying with the Notice. Therefore, pursuant to the provisions of Section 47(5) of the Act, the Tenant is conclusively presumed to have accepted that the tenancy ended on April 30, 2012. I find that the Landlord is entitled to an Order of Possession and I make that Order, effective 2 days after service of the Order upon the Tenants.

The Landlord has been successful in its application and I find that it is entitled to recover the cost of the \$50.00 filing fee from the Tenant.

Pursuant to Section 72(2)(b) of the Act, the Landlord may apply \$50.00 from the security deposit towards recovery of the cost of the filing fee. The remainder of the security deposit must be administered in accordance with the provisions of the Act.

Conclusion

I hereby grant the Landlord an Order of Possession effective **2 days after service of the Order upon the Tenants**. This Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

Pursuant to Section 72(2)(b) of the Act, the Landlord may apply \$50.00 from the security deposit towards recovery of the cost 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: May 30, 2012.

Residential Tenancy Branch