



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, MNSD, FF

Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order of Possession pursuant to a Notice to End Tenancy for Cause - Section 47;
2. A Monetary Order to retain all or part of the security deposit; and
3. An Order for recovery of the filing fee.

I accept the Landlord’s evidence that the Tenant was served with the application for dispute resolution and notice of hearing by personal service on June 12, 2012 in accordance with Section 89 of the Act. The Tenant did not participate in the conference call hearing. The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

Preliminary Matter

At the onset of the Hearing the Landlord withdrew his claim for retention of the security deposit as the Tenant has not yet moved out of the unit.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession?

Is the Landlord entitled to recovery of the filing fee?

Background and Evidence

The tenancy began around May 2011. Rent in the amount of \$500.00 is payable in advance on the first day of each month. At the outset of the tenancy, the Landlord

collected a security deposit from the Tenant in the amount of \$250.00. On May 31, 2012, the Landlord personally served the Tenant with a 1 Month Notice to End Tenancy for Cause (the "Notice"). The Notice has an effective date of June 30, 2012. The Tenant has not filed an application to dispute the Notice and has not moved out of the unit.

Analysis

Section 47 of the Act requires that upon receipt of a Notice to end Tenancy for Cause, the tenant may, within ten days of receiving the notice, dispute the notice by filing an Application for Dispute Resolution with the Residential Tenancy Branch. If the tenant does not dispute the Notice, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the notice and must vacate the unit by that date.

Based on the Landlord's evidence I find that the Tenant was served with the Notice. As the Tenant has not filed an application to dispute the notice, I find that the Tenant must vacate the unit by June 30, 2012. Accordingly, I find that the Landlord is entitled to an **Order of Possession effective 1:00 p.m. June 30, 2012.**

Conclusion

I grant an Order of Possession to the Landlord effective 1:00 p.m. on June 30, 2012.

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: June 28, 2012.

Residential Tenancy Branch