



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes**

OPB, FF

### **Introduction**

This was the hearing of an application by the landlord for an Order of Possession and to recover the filing fee for this application. The hearing was conducted by conference call. Although the tenant was served with the application for dispute resolution and Notice of hearing by personal service on June 21, 2012 they did not call into the conference and did not participate in the hearing. The landlord testified that only the female tenant still resides in the rental unit.

### **Issue(s) to be Decided**

Is the landlord entitled to an order of possession?

### **Background and Evidence**

On May 11, 2012 the tenant was served with a One month Notice to End Tenancy for Cause, by posting it on the tenant's door. The tenant has not / did not file an application to dispute the Notice to End Tenancy. Therefore, the landlord applies for an Order of Possession pursuant to Section 55 (2) (b).

### **Analysis**

**Section 47(4)** of the Act provides that a tenant may dispute a Notice to end for Cause. **Section 47(5)** of the Act provides that if a tenant does not apply to dispute a one Month Notice to End Tenancy for cause within 10 days after receiving it, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice and **must** vacate the rental unit by that date. The Notice to End Tenancy required the tenant to vacate the rental unit by June 30, 2012.

The tenant was served with the Notice to End; they have not disputed it and have not moved, although the effective date of the Notice has passed. I find that the landlord is

entitled to an **Order of Possession**. The landlord is entitled to recovery of the **\$50** filing fee.

### **Conclusion**

**I grant** an Order of Possession to the landlord **effective two (2) days after service on the tenant**. The tenant must be served with this **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.

**I order** that the landlord may retain **\$50** from the tenant's security deposit as recovery for 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: July 10, 2012

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Residential Tenancy Branch