



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** OPC, FF

### **Introduction**

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession pursuant to a notice to end tenancy and for the recovery of the filing fee.

The notice of hearing was served on the tenant by registered mail on July 04, 2012. The landlord provided a tracking number. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions

### **Issues to be decided**

Is the landlord entitled to an order of possession? Is the landlord entitled to the recovery of the filing fee?

### **Background and Evidence**

The landlord testified that the tenancy started on November 01, 2010. The monthly rent is \$650.00 payable on the first of each month.

The landlord testified that on June 27, 2012, the tenant was arrested by the police for selling drugs out of the rental unit. The landlord filed a copy of a newspaper article confirming the landlord's testimony. On May 15, 2012, the landlord served the tenant with a notice to end tenancy for cause. The tenant did not dispute the notice and on July 04, 2012, wrote a letter to the landlord stating that he will take full responsibility for damage to the unit from the police incident. He also states that he will move out on June 30, 2012. The landlord stated that as of the date of the hearing, the tenant had not moved out. The landlord has applied for an order of possession effective two days after service on the tenant.

### **Analysis**

Based on the undisputed testimony and documentary evidence of the landlord, I find that the tenant received the notice to end tenancy, on May 15, 2012 and did not make application, pursuant to Section 47 to set aside the notice to end a residential tenancy, and the time to do so has expired.

In these situations, the *Residential Tenancy Act* provides that the tenant has been deemed to have accepted the end of the tenancy on the date set out in the Notice. Pursuant to section 55(2) I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

### **Conclusion**

I grant the landlord an order of possession effective two days after service on the tenant.

The landlord may retain **\$50.00** from the security deposit towards the recovery 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: July 18, 2012.

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Residential Tenancy Branch