

DECISION

Dispute Codes OPC, FF

Introduction

This is an application filed by the Landlord for an order of possession as a result of a notice to end tenancy issued for cause and the recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenants did not attend. The Landlord states that the Tenants were personally served on October 22, 2012. The Landlord's agent has provided a proof of service document which states that the Tenant, K.L. was personally served by the Landlord's Agent, S.M. with the notice of hearing and evidence package. The Tenant has not submitted any documentary evidence. As such, I am satisfied that both parties have been properly served as deemed under the Act.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Background, Evidence and Analysis

The Landlord states that the Tenants were served with the notice to end tenancy issued for cause on August 31, 2012 in person to the Tenant, L.M. by the Landlord's agent, L.F. The stated effective date of the notice is September 30, 2012. The Landlord's notice states 6 reasons for cause.

- Tenant or a person permitted on the property by the Tenant has:
 - significantly interfered with or unreasonably disturbed another occupant or the landlord.
 - seriously jeopardized the health or safety or lawful right of another occupant or the landlord.
 - put the landlord's property at significant risk.
- Tenant has engaged in illegal activity that has or is likely to:
 - damage the landlord's property.
 - adversely affect the quiet enjoyment , security, safety or physical well-being of another occupant or the landlord.
 - jeopardize a lawful right or interest of another occupant or the landlord.

I accept the undisputed testimony of the Landlord and find that the Tenants were personally served with the 1 month notice to end tenancy issued for cause on August 31, 2012. The Tenants having received the notice did not file for dispute resolution to dispute the notice. The Tenants are presumed to have accepted that the Tenancy was at an end. The Landlord's agent states that the Tenants have not complied with the notice and have also failed to pay rent. The Landlord has been successful based upon the undisputed testimony and is granted an order of possession. The Tenants must be served with the order of possession. Should the Tenants 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 having been successful in their application is entitled to recovery of the \$50.00 filing fee. The Landlord is granted a monetary order under section 67 for \$50.00.

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: November 14, 2012.

Residential Tenancy Branch