



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

OPC FF

### **Introduction**

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

1. An Order of Possession for Cause- Section 55;
2. An Order to recover the filing fee for this application - Section 72.

I accept the landlord's evidence that despite the tenant having been served with the application for dispute resolution and notice of hearing in accordance with Section 89 of the Residential Tenancy Act (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.

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

Is the notice to end tenancy valid?

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to the monetary amounts claimed?

### **Background and Evidence**

The undisputed evidence in this matter is that on August 23, 2012 the landlord served the tenant with a 1 Month notice to End tenancy for Cause with an effective date of September 30, 2012, by placing it in the tenant's mailbox.

The tenant still resides in the rental unit and has not disputed the Notice to End. The landlord provided evidence in support of this claim.

### **Analysis**

Based on the landlord's testimony and evidence I find that the tenant was served with a notice to end tenancy for Cause and I find the notice to be a valid notice containing information that the tenant has the right to dispute the Notice within 10 days after receiving it by filing an application for dispute resolution. The tenant has not disputed the notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice – September 30, 2012.

Based on the above facts I find that the landlord is entitled to an **Order of Possession**.

The landlord is also entitled to recovery of the **\$50** filing fee. The security deposit will be off-set from the award made herein.

### **Conclusion**

**I grant** an Order of Possession to the landlord **effective 2 days from the day it is served 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 **\$50.00** from the tenant's security deposit in satisfaction of the filing fee.

**This Decision is final and binding on both parties.**

*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 05, 2012

---

Residential Tenancy Branch