



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

For the tenants: CNC RP
For the landlord: OPC FF

Introduction

This hearing was convened as a result of the cross applications of the parties for dispute resolution under the *Residential Tenancy Act* (the “Act”).

The tenants applied to cancel a Notice to End Tenancy for Cause and for an order directing the landlord to make repairs to the unit, site or property.

The landlord applied for an order of possession for cause, and to recover the filing fee.

An agent for the landlord (the “agent”) attended the hearing. The tenants did not attend the hearing. As the tenants did not attend the hearing, their application was **dismissed without leave to reapply** after the 10 minute waiting period had elapsed. The hearing continued with the landlord’s application for an order of possession for cause and the recovery of the filing fee.

Preliminary Matter

The agent testified under oath that the tenants vacated the rental unit on or about Friday, November 16, 2012. The landlord requested an order of possession, however, in case the tenants returned after the hearing.

Issue to be Decided

- Is the landlord entitled to an order of possession for cause?

Background and Evidence

A month to month tenancy began on July 1, 2005. Subsidized rent in the amount of \$292.00 was due on the first day of each month. Market rent for the rental unit was \$968.00 per month. A security deposit of \$460.50 was paid by the tenants at the start of the tenancy.

A 1 Month Notice to End Tenancy for Cause (the "Notice") dated October 12, 2012 was served on the tenants. The tenants filed to dispute that notice on October 24, 2012, however, failed to attend the hearing to present the merits of their application. The effective date on the Notice is November 30, 2012.

Analysis

Based on the documentary evidence and the oral testimony provided during the hearing, and on the balance of probabilities, I find the following.

As the tenants did not attend the hearing to present the merits of their application, I **dismiss** their application in full without leave to reapply.

I **find** that the Notice served on the tenants by the landlord is valid and I uphold the Notice. Therefore, pursuant to section 55 of the *Act*, I **grant** the landlord an order of possession as per the effective date of the Notice, **November 30, 2012 at 1:00 p.m.** This order must be served on the tenants and may be enforced in the Supreme Court of British Columbia.

As the landlord was successful with their application, I **grant** the landlord the recovery of the filing fee in the amount of **\$50.00**. As the landlord continues to hold the security deposit of the tenants, I **authorize** the landlord to retain **\$50.00** of the security deposit in full satisfaction of their claim.

Conclusion

I find that the landlord has proven their claim and is, therefore, entitled to an order of possession effective **November 30, 2012 at 1:00 p.m.** after service upon the tenants. This order must be served on the tenants and may be enforced in the Supreme Court of British Columbia.

I authorize the landlord to retain \$50.00 of the tenants' security deposit in full satisfaction of the recovery of the \$50.00 filing fee.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 28, 2012

Residential Tenancy Branch