

DECISION

Dispute Codes OPC FF

Introduction

This hearing dealt with a landlord's Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act") to obtain an order of possession for cause, and to recover the filing fee.

The landlord and the tenant appeared at the teleconference hearing and gave affirmed testimony. During the hearing the parties were given the opportunity to provide their evidence orally. A summary of the testimony is provided below and includes only that which is relevant to the hearing.

Issue to be Decided

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

Background and Evidence

The parties agreed that the tenancy began on or about March 1, 2004. Rent was due on the first day of each month in the amount of \$650.00 and was increased over the course of the tenancy to \$700.00 per month. The parties disputed whether a security deposit was paid at the start of the tenancy.

The landlord testified that she served the 1 Month Notice to End Tenancy For Cause (the "Notice") dated November 15, 2012, by registered mail on November 15, 2012 with an effective date of December 31, 2012. The landlord provided the registered mail tracking number in evidence. The tenant stated that she received the Notice on December 5, 2012 and vacated the rental unit on December 27, 2012. The tenant confirmed that she did not dispute the Notice.

Analysis

Order of possession - I find that the tenant was deemed served with the Notice by registered mail on November 20, 2012 and based on the tenant's testimony did not dispute the Notice within 10 days of receiving the Notice. The tenant is conclusively presumed pursuant to section 47 of the *Act*, to have accepted that the tenancy ended on the effective date of the Notice. As the tenant has vacated the rental unit, an order of possession would not normally be necessary; however, the landlord resides in a

different province and is seeking an order of possession which can be provided to local city officials regarding the status of the tenancy. Accordingly, **I grant the landlord an order of possession effective 2 days after service on the tenant.**

As the tenant vacated the rental unit in accordance with the undisputed Notice, this application was not required and as a result, I do not grant the landlord the recovery of the filing fee.

Conclusion

I grant the landlord an order of possession 2 days after service on the tenant. This order must be served on the tenant and may be enforced in the Supreme Court of British Columbia.

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: January 09, 2013.