



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** OPL, 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 October 12, 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 in 2003. The monthly rent is \$450.00 payable on the first of each month. Prior to moving in the tenant paid a security deposit of \$225.00.

The landlord testified that on August 01, 2012, the landlord served the tenant with a notice to end tenancy for landlord's use of property to be effective on October 31, 2012. The tenant did not dispute the notice. The landlord stated that as of the date of the hearing, the tenant had not moved out and had requested an extension until November 15, 2012. 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 August 01, 2012 and did not make application, pursuant to Section 49 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: November 15, 2012.

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Residential Tenancy Branch

