



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, MND, MNR, MNSD, FF

Introduction

This is an application filed by the Landlord for an order of possession, a monetary order for damage to the unit, site or property, for unpaid rent or utilities, to keep all or part of the security deposit and recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend or submit any documentary evidence. The Landlord states that the Tenant was served with the notice of hearing package by Canada Post Registered Mail on January 28, 2013 and has provided in his direct testimony the Customer Receipt Tracking Number. I accept the Landlord's undisputed testimony and find that the Tenant was properly served with the notice of hearing package by Canada Post Registered Mail on January 28, 2013.

The Landlord stated at the beginning of the hearing that he wished to amend the monetary claim from \$3,000.00 to \$1,200.00 for unpaid rent.

Issue(s) to be Decided

Is the Landlord entitled to an order possession?
Is the Landlord entitled to a monetary order?
Is the Landlord entitled to keep the security deposit?

Background, Evidence and Analysis

The Landlord stated in his direct testimony that there is no signed tenancy agreement. The Landlord has indicated that the monthly rent is \$1,200.00.

The Landlord states that the Tenant was served with the 1 month notice to end tenancy issued for cause on January 9, 2013 by Canada Post Registered Mail. The Landlord has stated in his direct testimony as well as his details of dispute that the date left open for the notice should have been January 9, 2013. The Landlord has provided a copy of

the online search on Canada Post's website indicating that the notice was received on January 10, 2013. The notice shows an effective date of February 28, 2013. The stated reason for cause was, "Tenant or a person permitted on the property by the Tenant has seriously jeopardized the health or safety or lawful right or another occupant or the Landlord." The Landlord has clarified that a warning notice was issued by the City of Surrey dated December 6, 2012. The warning states that a breach of Surrey Zoning Bylaws, "park/store excess vehicles" and "wrecked vehicles" were cited on the property and to remedy the violations by February 1, 2013 or a fine of \$200.00 per day for each Bylaw would be charged to the Landlord.

I find that the Tenant has failed to file for dispute resolution to dispute the notice within the allowed 10 days and is presumed to accept the notice and that the Tenancy is at an end. The Landlord is granted an order of possession for the effective date of the notice on February 28, 2013. This order must be served on the Tenant. 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.

At the end of the hearing the Landlord withdrew the entire monetary portion of the application. As such this portion of the application is dismissed with leave to reapply.

I find that the Landlord is only entitled to recovery of ½ of the filing fee as he has only been partially successful in his original application and is granted a monetary order for \$25.00.

Conclusion

The Landlord is granted an order of possession.

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: February 20, 2013

Residential Tenancy Branch

