



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

DISPUTE CODES: OPC, OPB, MNDC, FF

INTRODUCTION

This hearing was convened in response to an Application for Dispute Resolution filed by the landlord seeking:

1. An Order for Possession for Cause and for Breach of Agreement;
2. A monetary Order for compensation for damage and/or loss; and
3. An Order to recover the filing fee for the cost of this Application.

The tenants did not appear at the hearing. The landlord gave evidence that the tenants were served personally with the Notice to End Tenancy on February 13, 2013 and with the Application for Dispute Resolution hearing package on March 1, 2013. I am therefore satisfied that the tenants have had notice of this claim and this hearing.

The landlords gave evidence under oath.

ISSUE

Is the landlord entitled to an Order of Possession, a monetary Order and recovery of the filing fee the landlord paid for this application?

ANALYSIS AND FINDINGS

Order of Possession

The evidence shows that the tenants have been served with a Notice to End Tenancy. There has been no evidence supplied to show that the tenants made application pursuant to Section 46 seeking to cancel the Notice to End Tenancy and the time limit for making such an application has now passed. The Residential Tenancy Act sets out that, if a tenant does not dispute a Notice to End Tenancy within the proper time frame the tenant is deemed to have accepted the end of the tenancy on the date set out in the Notice. I therefore find that the landlord is entitled to an Order of Possession. As the

effective date on the Notice to End Tenancy is March 31, 2013 that is the earliest date the Order of Possession can become effective.

The landlords are provided with a formal Order in this regard. This is Order must be served upon the tenants forthwith. This is a final and binding Order enforceable as any Order of the Supreme Court of British Columbia.

Monetary Order

The landlord has sought a monetary order in anticipation of loss of revenue and damages. I find that this order is premature and it is therefore dismissed with leave to reapply.

Filing Fees

As the landlord has been successful in this application I find that the landlords are entitled to recover the \$50.00 fee paid for this application. The landlords are directed to deduct this sum from the security deposit they hold.

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: March 20, 2013

Residential Tenancy Branch

