



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC, FF

### Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order of Possession pursuant to a Notice to End Tenancy for Cause - Section 55; and
2. An Order for the recovery of the filing fee.

The Landlord and Tenant were each given full opportunity to be heard, to present evidence and to make submissions.

### Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession?

### Background and Evidence

The following are undisputed facts: The tenancy began in June 2009. Rent of \$356.00 is payable in advance on the first day of each month. At the outset of the tenancy, the Landlord collected a security deposit from the Tenant in the amount of \$409.50. On January 31, 2013, the Landlord personally served the Tenant with a 1 Month Notice to End Tenancy for Cause (the “Notice”) by posting the Notice on the door. The Notice has an effective date of January 31, 2013. The Tenant has not filed an application to dispute the Notice and has not moved out of the unit.

### Analysis

Section 47 of the Act requires that upon receipt of a Notice to end Tenancy for Cause, the tenant may, within ten days of receiving the notice, dispute the notice by filing an Application for Dispute Resolution with the Residential Tenancy Branch. If the tenant does not dispute the Notice, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the notice and must vacate the unit by that date.

Based on undisputed evidence I find that the Tenant was served with the Notice. The Tenant has not filed an application to dispute the notice and is therefore conclusively presumed to have accepted the end of the tenancy and must vacate the unit. Given these facts, I find that the Landlord is entitled to an **Order of Possession**. As the Landlord has been successful with its application, I find that the Landlord is entitled to recovery of the **\$50.00** filing fee and I order the Landlord to deduct this amount from the security deposit.

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### Conclusion

**I grant** an Order of Possession to the Landlord. The Tenant must be served with this **Order of Possession**. 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. I Order the Landlord to retain \$50.00 from the security deposit of \$409.50.

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 18, 2013

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Residential Tenancy Branch

