



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding H&K Enterprises Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC, OPR, FF

Introduction

This is an application filed by the Landlord for an order of possession for cause and for unpaid rent or utilities and a monetary order for the 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 and submitted evidence by Canada Post Registered mail on May 3, 2013 to both Tenants. The Landlord has provided the Canada Post Customer Receipt Tracking numbers in their written submissions as confirmation. The Landlord states that both packages were returned unclaimed by Canada Post to the Landlord. I accept the undisputed evidence of the Landlord and find that the Tenants were both properly served with the notice of hearing and evidence packages as per the Act.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Background and Evidence

This Tenancy began on August 1, 2012 on a fixed term tenancy ending on July 31, 2013 as shown by the submitted copy of the signed tenancy agreement. The monthly rent is \$900.00 payable on the 1st of each month and a security deposit of \$450.00 was paid on July 18, 2012.

The Landlord states that the Tenants were personally served with the 1 month notice to end tenancy for cause dated March 8, 2013 on the same date by the Landlord. The notice displays an effective date of April 15, 2013. The notice also shows that the Landlord selected 5 reasons for cause.

- 1) Tenant or a person permitted on the property by the Tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord.
- 2) Tenant has engaged in illegal activity that has, or is likely to:
 - damage the landlord's property.
 - adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord.
 - jeopardized a lawful right or interest of another occupant or the landlord.
- 3) Tenant has caused extraordinary damage to the unit/site or property/park.

The Landlord has also personally served the Tenants with a 10 day notice to end tenancy issued for unpaid rent dated April 16, 2013. The Landlord has submitted a copy of a proof of service document which states that the Tenant was personally served on April 16, 2013 for which the Tenant, R.C. personally acknowledged the notice by signing for it in the presence of a witness. The stated effective date of the notice is April 25, 2013. The notice shows that \$900.00 in rent was due on April 1, 2013 and was unpaid.

Analysis

I accept the undisputed testimony of the Landlord and find that the Tenants were personally served with the 1 month notice to end tenancy dated March 8, 2013 on March 8, 2013. The Tenant has failed to make an application to dispute the notice within the allowed 10 days after receiving the notice. The Tenants are presumed to have accepted the notice and the tenancy would end. The Landlord has established grounds for an order of possession. The Landlord is granted an order of possession. The Tenant must be served with the 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.

As the Landlord's application for an order of possession is granted based upon the 1 month notice dated March 8, 2013, the merits of the Landlord's request for an order of possession regarding the 10 day notice to end tenancy for unpaid rent dated April 16, 2013 were not considered.

The Landlord has established grounds for recovery of the \$50.00 filing fee as they have been successful in their application. The Landlord is granted a monetary order for \$50.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The Landlord is granted an order of possession and a monetary order for \$50.00.

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: May 30, 2013

Residential Tenancy Branch