



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Westgate Capital
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

OPC

Introduction

This was the hearing of an application by the landlord for an Order of Possession and to recover the filing fee. The hearing was conducted by conference call. Although the tenant was served with the application for dispute resolution and Notice of hearing by personal service on April 11 2013 they did not call into the conference and did not participate in the hearing. The landlord testified that the tenant vacated the rental unit, but that an individual whom the I tenant permitted to reside in the unit is still residing there. The landlord was permitted to advance their claim.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

On March 20, 2013 the tenant was served with a One month Notice to End Tenancy for Cause, by personal service. The tenant has not / did not file an application to dispute the Notice to End Tenancy within the 10 days permitted to do so under the Act.

The landlord provided a copy of the Notice to End dated March 20, 2013 with an effective date of April 30, 2012.

Analysis

Section 47 of the Act provides that if a tenant does not apply to dispute a one Month Notice to End Tenancy for Cause within 10 days after receiving it, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of

the Notice and **must** vacate the rental unit by that date. In this matter the tenant has themselves vacated but one of their associates still occupies the rental unit.

The tenant was served with the Notice to End and they have not disputed it. As a result, I find that the landlord is entitled to an **Order of Possession** of the rental unit.

As the landlord was successful in their application, they are entitled to recover their filing fee of \$50.00.

Conclusion

I grant an Order of Possession to the landlord **effective 2 days from the day it is served on the tenant.** The tenant must be served with this **Order of Possession** by any one of the ways prescribed by *Section 88* of the Act. 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 that the landlord may retain the filing fee of **\$50.00** from the tenant's security deposit

This Decision is final and binding on all parties to this matter.

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 07, 2013

Residential Tenancy Branch