



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CHMA KOOTENAYS
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

ET, FF

Introduction

This hearing dealt with an application by the landlord pursuant to section 56 of the *Residential Tenancy Act*, for an order to end the tenancy early and obtain an order of possession. The landlord also applied for the recovery of the filing fee.

The landlord testified that she served the tenant with the notice of hearing and application for dispute resolution on May 02, 2013 in person in the presence of a witness. The landlord provided a proof of service form signed by the witness.

Despite having been served with the notice of hearing, the tenant did not participate in the conference call hearing. I found that the tenant had been served with notice of the landlord's claim and the hearing proceeded in the tenant's absence.

Issues to be Decided

Is the landlord entitled to end the tenancy early? Is the landlord entitled to the recovery of the filing fee?

Background and Evidence

The tenancy started on October 01, 2006. The accommodation is subsidised housing and is allotted and rented based on a tenant's income and family size. The tenant's portion of the rent is \$439.00. Prior to moving in, the tenant paid a security deposit of \$300.00.

The landlord testified that the tenant's children were causing problems for the landlord and the other occupants of the house by attempting to light fires around the building. The landlord filed witness statements to support her testimony.

On one occasion, the children lit a piece of paper on fire and attempted to place it between the main door and the screen door of an apartment in the building. The landlord filed statements from witnesses of this incident.

On May 01, 2013, the landlord served the tenant with a notice to end tenancy for cause.

The tenant did not dispute the notice and as of the day of the hearing still occupied the rental unit.

Analysis

Based on the undisputed testimony and documentary evidence of the landlord, I find that the tenant received the notice to end tenancy, on May 01, 2013 and did not make application, pursuant to Section 47 to set aside the notice to end a residential tenancy, and the time to do so has expired.

In these situations, the *Residential Tenancy Act* provides that the tenant has been deemed to have accepted the end of the tenancy on the date set out in the Notice. Pursuant to section 55(2) I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant. The landlord may retain \$50.00 from the security deposit towards the recovery of the filing fee.

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 10, 2013

Residential Tenancy Branch