



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, FF

Introduction

This is an application filed by the Landlord for an order of possession issued for cause and 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 personally served with the notice of hearing package and the submitted documentary evidence on May 31, 2013. I accepted the undisputed testimony of the Landlord and find that the Tenant has been properly served.

During the hearing, the Landlord submitted a mailing address was not provided in the Landlord's Application for dispute. The Application shall be amended to reflect the mailing address.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Background and Evidence

The Landlord seeks an order of possession as a result of a 1 month notice to end tenancy issued for cause dated May 15, 2013 which was served upon the Tenants by posting it to the rental unit door. The Landlord has provided a photograph which shows the Landlord's cover letter and notice posted on the rental unit door. The notice displays an effective date of June 30, 2013 and two reasons for cause selected.

-Tenant or a person permitted on the property by the Tenant has:

- 1) significantly interfered with or unreasonably disturbed another occupant or the landlord.
- 2) seriously jeopardized the health or safety or lawful right of another occupant or the landlord.

The Landlord seeks an order of possession after having served a 1 month notice to end tenancy issued for cause dated May 31, 2013. The Landlord states that the Tenant has failed to attend as well as not file an application for dispute resolution to dispute the notice, but states that the Tenant has not yet vacated the rental unit.

Analysis

I accept the undisputed testimony of the Landlord and find that the Tenant has been properly served with the 1 month notice to end tenancy issued for cause dated May 31, 2013 by posting it to the rental unit door on May 15, 2013. The Tenant has failed to attend the dispute resolution hearing and has not filed an application for dispute resolution to dispute the notice within the allowed 10 day time frame. The Tenant is conclusively presumed to have accepted that the Tenancy is at an end. The notice dated May 31, 2013 is upheld. The Landlord is granted an order of possession for June 30, 2013. The Order must be served upon the Tenant. Should the Tenant fail to comply, the Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

The Landlord having been successful is also entitled to recovery of the \$50.00 filing fee. 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 for June 30, 2013.
The Landlord is granted 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: June 26, 2013

Residential Tenancy Branch

