



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding WHEELER CHEAM REALTY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: *OPC, OPB, OPR, FF*

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for an order of possession pursuant to the notices to end tenancy for cause and for unpaid rent. The landlord also applied for the recovery of the filing fee.

The notice of hearing was served on the tenant by the landlord on July 03, 2013, by registered mail to the address of the rental unit, where the tenant currently resides. The landlord filed a tracking slip. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

Issues to be decided

Does the landlord have cause to end the tenancy? Is the landlord entitled to the recovery of the filing fee?

Background and Evidence

The tenancy started on April 01, 2013. The monthly rent is \$1,350.00 due in advance on the fifteenth of each month. Prior to moving in the tenant paid a security deposit of \$675.00.

On June 29, 2013 the landlord served the tenant with a notice to end tenancy for cause with an effective date of July 15, 2013. The tenant did not dispute the notice and continues to occupy the rental unit. On June 18, 2013, the landlord served the tenant with a notice to end tenancy for unpaid rent.

The landlord has applied for an order of possession effective immediately and for the recovery of the filing fee.

Analysis

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim. The tenant received the notice to end tenancy for cause on May 29, 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.

Since the landlord has proven his case, I award him the recovery of the filing fee. The landlord may retain \$50.00 from the security deposit.

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.

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: August 01, 2013

Residential Tenancy Branch

