



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, FF

Introduction

This hearing dealt with the landlords' application for dispute resolution under the Residential Tenancy Act (the "Act") seeking an order of possession for the rental unit due to alleged cause and for recovery of the filing fee.

The landlords appeared; the tenant did not appear.

The landlords gave evidence that they served the tenant with their Application for Dispute Resolution and Notice of Hearing by posting the documents on the tenant's door on August 6, 2013.

I find the tenant was served notice of this hearing in a manner complying with section 89 of the Residential Tenancy Act and the hearing proceeded in the tenant's absence.

The landlords were provided the opportunity to present their evidence orally and to refer to relevant documentary evidence submitted prior to the hearing.

I have reviewed all oral and written evidence before me that met the requirements of the Residential Tenancy Branch Rules of Procedure (Rules); however, I refer to only the relevant evidence regarding the facts and issues in this decision.

Issue(s) to be Decided

Are the landlords entitled to an order of possession for the rental unit due to alleged cause and to recover the filing fee?

Background and Evidence

The landlord gave evidence that this tenancy began on April 1, 2013, monthly rent is \$550, and the tenant paid a security deposit of \$275 at the beginning of the tenancy.

The rental unit is in the basement suite, and the landlords live on the main floor.

The landlords submitted evidence that they served the tenant with a 1 Month Notice to End Tenancy for Cause on July 21, 2013, by leaving it with the tenant, listing an effective end of tenancy of August 1, 2013.

The Notice explained that the tenant had ten (10) days to file an application for dispute resolution at the Residential Tenancy Branch ("RTB") in dispute of the Notice. It also explains that if the tenant did not file an application to dispute the Notice within ten days, then the tenant is conclusively presumed to have accepted the end of the tenancy and must vacate the rental unit by the effective date of the Notice.

I have no evidence before me that the tenant filed an application to dispute the Notice.

Analysis

Based on the oral and written evidence and on a balance of probabilities, I find as follows:

I find the tenant was served a 1 Month Notice to End Tenancy for Cause, did not apply to dispute the Notice within ten days of service and is therefore conclusively presumed under section 47(5) of the Act to have accepted that the tenancy ended on the effective date of the Notice.

I therefore find that the landlords are entitled to an order of possession for the rental unit effective two days after service of the order upon the tenant.

I find the landlord is entitled to recovery of the filing fee of \$50.

Conclusion

I grant the landlords a final, legally binding order of possession, which is enclosed with the landlord's Decision. Should the tenant fail to vacate the rental unit pursuant to the terms of the order, this order may be filed in the Supreme Court of British Columbia for

enforcement as an order of that Court. The tenant is advised that costs of such enforcement are recoverable from the tenant.

The landlords are directed to retain the amount of \$50 from the tenant's security deposit in satisfaction of their monetary award for 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: August 13, 2013

Residential Tenancy Branch

