



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC, FF

### Introduction

A hearing was conducted by conference call in the presence of the landlord and in the absence of the Tenant although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the one month Notice to End Tenancy was personally served on the Tenant on June 5, 2013. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the Tenant on July 10, 2013.

### Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the Landlords are entitled to an Order for Possession?
- b. Whether the Landlords are entitled to recover the cost of the filing fee?

### Background and Evidence

The tenancy began on January 1, 2013. The tenancy agreement provided that the tenant(s) would pay rent of \$800 per month payable on the first day of each month. The tenant(s) paid a security deposit of \$400 at the start of the tenancy.

The tenant has failed to pay the rent for May (\$267 is owed), June (\$800 is owed), July (\$800 is owed) and August (\$800 is owed).

On July 4, 2013 between 10:00 p.m. and 11:00 p.m., a male living with the tenant broke into the landlord's home from the adjoining suite and ran upstairs wielding knife. When asked to go downstairs he told the landlord that he needed to use their family phone.

#### Order for Possession

I determined the Landlords are entitled to an Order for Possession. The Tenant(s) have not made an application to set aside the Notice to End Tenancy and the time to do so has expired. In such situations the Residential Tenancy Act provides the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, and must vacate the rental unit by that date. **Accordingly, I granted the landlord an Order for Possession on 2 days notice. I further order that the tenant pay to the landlord the sum of \$50 for the cost of the filing fee such sum may be deducted from the security deposit.**

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

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 09, 2013

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Residential Tenancy Branch

