



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

OPC FF

Introduction

This was the hearing of an application by the landlord for an Order of Possession and to recover the filing fee. The hearing was conducted by conference call. Although the tenant was served with the application for dispute resolution and Notice of hearing by registered mail on July 22, 2013 they did not call into the conference and did not participate in the hearing. The landlord testified that the tenant still resides in the rental unit. The landlord provided evidence for the registered mail service including the postal tracking number for the mail. I found the tenant was served in accordance with Section 88 of the Act. The landlord was permitted to advance their claim.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

The undisputed relevant evidence in this matter as provided by the landlord is that on July 09, 2013 the tenant was served with a One month Notice to End Tenancy for Cause – served personally to the tenant along with a witness. The tenant has not / did not file an application to dispute the Notice to End Tenancy within the 10 days permitted to do so under the Act.

The landlord provided a copy of the Notice to End dated July 09, 2013 with an effective date of August 31, 2013. The tenant has not vacated the unit, although the landlord testified the tenant plans to do so.

Analysis

Section 47 of the Act provides that if a tenant does not apply to dispute a one Month Notice to End Tenancy for Cause within 10 days after receiving it, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice and **must** vacate the rental unit by that date. The Notice to End Tenancy requires the tenant to vacate the rental unit by August 31, 2013, which is the earliest date the Notice is legally effective to end the tenancy.

The tenant was served with the Notice to End and they have not disputed it. As a result, I find that the landlord is entitled to an **Order of Possession** effective August 31, 2013.

As the landlord was successful in their claim, they are entitled to recover the filing fee from the tenant.

Conclusion

I grant an Order of Possession to the landlord **effective August 31, 2013**. The tenant must be served with this **Order of Possession**. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

I Order that the landlord may deduct \$50.00 from the tenant's security deposit in satisfaction of the filing fee.

This Decision is final and binding on both parties.

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 26, 2013

Residential Tenancy Branch