



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Vancouver Native Housing Society  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPC, FF

### Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking an order of possession.

The hearing was conducted via teleconference and was attended by the landlord's agent.

The landlord submitted documentary evidence confirming each tenant was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* by registered mail on August 20, 2013 in accordance with Section 89. As per Section 90, the documents are deemed received by the tenants on the 5<sup>th</sup> day after it was mailed.

Based on the testimony of the landlord, I find that the tenants have been sufficiently served with the documents pursuant to the *Act*.

### Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for cause; and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 47, 55 67, and 72 of the *Act*.

### Background and Evidence

The landlord submitted the following documentary evidence:

- A copy of a residential tenancy agreement which was signed by the parties on October 6, 2010 for a 6 month fixed term tenancy beginning on October 1, 2010 that converted to a month to month tenancy on April 1, 2011 for the monthly rent of \$747.00 due on the 1<sup>st</sup> of each month and a security deposit of \$373.50 was paid; and
- A copy of a 1 Month Notice to End Tenancy for Cause that was issued on July 16, 2013 with an effective vacancy date of August 31, 2013 citing the tenant

breached a material term of the tenancy that was not corrected within a reasonable time.

The landlord submits the tenants were served the 1 Month Notice to End Tenancy for Cause by posting it to the rental unit door on July 16, 2013.

The Notice states the tenants had 10 days to apply for Dispute Resolution or the tenancy would end. The tenants did not dispute the Notice to End Tenancy within 10 days.

### Analysis

I have reviewed all documentary evidence and accept that the tenants have been served with notice to end tenancy as declared by the landlord. The notice is deemed to have been received by the tenants on July 19, 2013 and the effective date of the notice was August 31, 2013. I accept the evidence before me that the tenants failed did not apply to dispute the notice within the 10 days granted under Section 47(4) of the *Act*.

Based on the foregoing, I find the tenants are conclusively presumed under Section 47(5) of the *Act* to have accepted that the tenancy ended on the effective date of the Notice.

### Conclusion

I find the landlord is entitled to an order of possession effective **two days after service on the tenants**. This order must be served on the tenants. If the tenants fail to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

I find the landlord is entitled to monetary compensation pursuant to Section 67 in the amount of **\$50.00** comprised of the fee paid by the landlord for this application.

I order, in accordance with Section 72(2)(b), the landlord may deduct this amount from the the security deposit held in the amount of \$373.50 in satisfaction of this claim leaving a balance of \$323.50 in 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: September 27, 2013

