



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPC; FF

Introduction

This is the Landlord's application for an Order of Possession; and to recover the cost of the filing fee from the Tenants.

The Landlord gave affirmed testimony at the Hearing.

The Landlord testified that the Notice of Hearing documents were mailed to each of the Tenants, via registered mail, to the rental unit on September 6, 2013. The Landlord provided the original registered mail receipts in evidence.

Based on the Landlord's affirmed testimony and documentary evidence, I am satisfied that both of the Tenants were duly served with the Notice of Hearing documents by registered mail. Service in this manner is deemed to be effected 5 days after mailing the documents. Despite being served with the Notice of Hearing documents, the Tenants did not sign into the teleconference and the Hearing proceeded in their absence.

Issues to be Decided

- Is the Landlord entitled to an Order of Possession?

Background and Evidence

The Landlord gave the following testimony:

On August 19, 2013, the Landlord served the Tenants with a One Month Notice to End Tenancy for Cause, by hand delivering the Notice to the Tenants at the rental unit. A copy of the Notice was provided in evidence.

The Tenant HL moved out of the rental unit and the Landlord return \$200.00 of the security deposit to the Tenant HL.

The Tenant EL remains in the rental unit. The Landlord seeks an Order of Possession against the Tenant EL.

Analysis

I accept that the Landlord served the Tenants with the Notice to End Tenancy on August 19, 2013. The Tenants did not file for dispute resolution within 10 days of receiving the Notice. Therefore, pursuant to Section 47(5) of the Act, the Tenants is conclusively presumed to have accepted that the tenancy ended on September 30, 2013. I grant the Landlord's request for an Order of Possession.

The Landlord has been successful in his application and I find that he is entitled to recover the cost of the **\$50.00** filing fee from the Tenants. Pursuant to Section 72(2)(b) of the Act, the Landlord may deduct \$50.00 from the security deposit.

The remainder of the security deposit in the amount of \$200.00 must be applied in accordance with the provisions of the Act.

Conclusion

I hereby provide the Landlord with an Order of Possession **effective 2 days after service of the Order upon the Tenant EL**. This Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

The Landlord may deduct **\$50.00** from the security deposit. The remainder of the security deposit must be applied in accordance with the provisions of the Act.

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: October 11, 2013

Residential Tenancy Branch

