



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, FF

Introduction

This is an application for an Order of Possession based on a Notice to End Tenancy that was given for cause and a request for recovery of the \$50.00 filing fee.

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession and recovery of his filing fee?

Background and Evidence

The applicant testified that:

- He received an order from the corporation of Delta telling him that he had to decommission the suite he had put in the lower portion of the rental property.

- He therefore served a one month Notice to End Tenancy on the tenants on August 16, 2013. The notice was served personally on Gregory Campbell.
- To date the tenants have failed to dispute the notice, however the tenants have failed to vacate the rental unit as well.
- He is therefore requesting an Order of Possession for as soon as possible.

The respondent testified that:

- He did receive a Notice to End Tenancy on August 16, 2013, however the notice stated that he had to move out by September 15, 2013 and he knew that was incorrect.
- He is still in the rental unit because the landlord applied for Dispute Resolution and therefore he decided to wait for the outcome of today's hearing.
- He has not filed the dispute of the Notice to End Tenancy

Analysis

First of all I have removed the second respondent whose initials are G.J., as an incorrect name has been used by the landlord and as a result the party refused to participate in today's hearing. Applicants must ensure they have the proper name of the respondent when applying for dispute resolution. Therefore the orders issued today will only have the name of the first respondent whose initials are G.C.

It's my finding that since the tenant did not file a dispute of the Notice to End Tenancy they are deemed to have accepted the end of the tenancy and that notice is self-correcting to September 30, 2013. The tenants therefore should have vacated the rental unit by September 30, 2013 and since they have not the landlord does have the right to an Order of Possession.

I also allow the request for recovery of the filing fee

Conclusion

I have issued an order of possession that is enforceable two days after service on the tenant and I have issued a monetary order in the amount of \$50.00 to cover the cost of 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: October 10, 2013