



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FF

Introduction

This is an application for an Order for an Early End to the Tenancy, for an Order of Possession, and a request for an Order for recovery of the filing fee.

The applicant(s) testified that the respondent(s) were served with notice of the hearing by registered mail that was mailed on October 30, 2013 to their present address; however the respondent(s) did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent(s) have been properly served with notice of the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

Has the landlord established the right to an Order of Possession?

Has the landlord established reasonable grounds for an early end to the tenancy?

Should recovery of the filing fee be ordered?

Background and Evidence

The applicants testified that:

- This tenancy began on December 15, 2008 with the monthly rent of \$1375.00 and at that time a security deposit of \$687.00 was paid.
- The tenancy is a month-to-month tenancy with the monthly rental payment period starting on the 15th of each month. Rent is due on the 15th of each month.
- They have given the respondents a one-month Notice to End Tenancy for cause that was mailed to them by registered mail on October 16, 2013.
- They also informed that tenants by text that the Notice to End Tenancy had been sent.
- They are therefore requesting an Order of Possession for November 30, 2013 based on the one-month Notice to End Tenancy, and are requesting recovery of their filing fee as the tenant is refusing to respond to any notices.

Analysis

The applicants have not supplied any information that would justify an early end to this tenancy, however they have served the tenant with a valid one-month Notice to End Tenancy and therefore they do have the right to the requested Order of Possession.

The Order of Possession however will be for December 14, 2013 as that is the last date of the rental payment period.

Any notice given during one rental payment period is valid for the end of the following rental payment period, and therefore since the notice was served in the rental payment period that runs from October 15 through to November 14, the notice is valid for the end of the following rental payment period, which runs from November 15, 2013 through to December 14, 2013.

I also allow the request for recovery of the filing fee.

Conclusion

I have issued an Order of Possession for 1:00 PM on December 14, 2013.

I've issued a monetary Order in the amount of \$50.00 for recovery 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: November 20, 2013

Residential Tenancy Branch

