



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Stratatech Consulting Ltd
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC, FF

Introduction

This hearing was convened by way of conference call in response to the landlord's application for an Order of Possession for cause and to recover the filing fee from the tenant for the cost of this application.

The tenant and landlord attended the conference call hearing and gave sworn testimony. The landlord provided documentary evidence to the Residential Tenancy Branch and to the other party in advance of this hearing. The tenant confirmed receipt of evidence. All evidence and testimony of the parties has been reviewed and are considered in this decision.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession for cause?

Background and Evidence

The parties agree that this tenancy started on May 01, 2013. Rent for this unit is \$550.00 per month and is due on the first day of each month. The tenant paid a security deposit of \$275.00 at the start of the tenancy.

The landlord testifies that the tenant has served a One Month Notice to End Tenancy on August 28, 2013 by posting it to the tenant's door. The Notice has an effective date of September 30, 2013 and gives the following reasons to end the tenancy:

- 1) The tenant is repeatedly late paying rent.
- 2) the tenant or a person permitted on the residential property by the tenant has
 - (i) Significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property,
- 3) the tenant or a person permitted on the residential property by the tenant has engaged in illegal activity that
 - (ii) Has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the residential property.

The landlord testifies that the tenant has failed to vacate the rental unit by the effective date of the Notice. The landlord therefore seeks an Order of Possession effective as soon as possible.

The tenant agrees that she did not file an application to dispute the Notice to End Tenancy.

Analysis

When a tenant is served with a One Month Notice to End Tenancy the tenant is provided with information on page two of that Notice about how the tenant can dispute the Notice by filing an application for Dispute Resolution. The landlord has provided a copy of this Notice served upon the tenants on August 28, 2013. As the Notice was posted to the tenant's door it was deemed to have been served three days later on August 31, 2013. The tenant has not disputed the One Month Notice within the 10 allowable days as indicated on page two of the Notice.

Consequently, as the tenant did not file an application to dispute the Notice the tenant is presumed to have accepted the end of the tenancy pursuant to s. 47 (5) of the *Act*. The Notice indicates an effective date of September 30, 2013 however as this date has since passed the landlord is therefore entitled to an Order of Possession for two days after service upon the tenant pursuant to s. 55 of the *Act*.

Conclusion

I HEREBY ISSUE an Order of Possession in favour of the landlord effective **two days after service on the tenant**. This order must be served on the Respondent and may be filed in the Supreme Court and enforced as an order of that Court.

I find that the landlord is entitled to be reimbursed for the **\$50.00** cost of filing this application. I order that the landlord retain this amount from the security deposit of \$275.00 leaving a balance \$225.00 which must be returned to the tenant or otherwise dealt with in compliance with section 38 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: December 02, 2013

Residential Tenancy Branch

