



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPC, SS, FF

### Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking an order for substituted service; an order of possession and a monetary order.

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

The landlord testified 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)* personally on December 11, 2013 in accordance with Section 89.

Based on the undisputed testimony of the landlord, I find that each tenant has been sufficiently served with the documents pursuant to the *Act*.

The landlord clarified at the outset of the hearing that he did not need an order for substitute service. I amended the landlord's Application to exclude this matter.

### 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 tenants 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 testified the tenancy began on January 1, 2013 as a month to month tenancy for the monthly rent of \$550.00 due on the 1<sup>st</sup> of each month with a security deposit of \$275.00 paid.

The landlord provided a copy of a 1 Month Notice to End Tenancy for Cause issued on November 21, 2013 with an effective vacancy date of December 31, 2013 citing the tenants are repeatedly late paying rent; the tenants or a person permitted on the property by the tenants has significantly interfered with or unreasonably disturbed another occupant or the landlord and the tenants have engaged in illegal activity that

has or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord.

The landlord testified he served this Notice to the tenants by posting in on the door of the rental unit on November 21, 2013.

### Analysis

Section 47 of the *Act* allows a landlord to end a tenancy by giving notice to end the tenancy if one or more of the following applies:

- a) The tenant is repeatedly late paying rent;
- b) 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,
- c) The tenant or a person permitted on the residential property by the tenant has engaged in illegal activity that
  - i. 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.

Section 47(4) of the *Act* allows a tenant to dispute a notice to end tenancy under Section 47 within 10 days after the date the tenant receives the notice. Section 47(5) states that if a tenant does not submit an Application for Dispute Resolution seeking to dispute the notice within 10 days the tenant is conclusively presumed to have accepted that the tenancy will end on the effective date of the notice and must vacate the rental unit by that date.

I accept the landlord's undisputed testimony that he served the tenants with the 1 Month Notice to End Tenancy for Cause as stipulated. I find the tenants received the notice by November 24, 2013 and that the tenants have failed to submit an Application for Dispute Resolution seeking to cancel the Notice.

Therefore pursuant to Section 47(5) I find the tenants are conclusively presumed to have accepted that the tenancy has ended.

### 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 and grant a monetary order in the amount of **\$50.00** comprised of the fee paid by the landlord for this application.

This order must be served on the tenants. If the tenants fail to comply with this order the landlord may file the order in the Provincial Court (Small Claims) and be enforced as an order of that Court.

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: January 30, 2014

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Residential Tenancy Branch

