



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, FF

Introduction

This hearing dealt with an application by the landlords for an order of possession and to recover filing fees. The landlords participated in the conference call and gave affirmed evidence. The tenants did not participate.

The landlords gave evidence that they served the tenants with the Notice of Dispute Resolution hearing and the Landlord's Application for Dispute Resolution by registered mail on December 14, 2013. The landlords provided a photocopy of the Canada Post receipts with tracking numbers. The landlords gave evidence that they checked those tracking numbers and confirmed that both tenants signed for the documents on December 23, 2013. I find that the tenants were properly served.

Issue(s) to be Decided

Are the landlords entitled to an order of possession and filing fees?

Background and Evidence

The landlords gave evidence that they served a 1 Month Notice to End Tenancy for Cause (the "Notice") by personal service on the female tenant on November 26, 2013. Personal service was carried out by another tenant in the building acting as the landlords' agent. The move out date specified on the Notice is December 31, 2013.

The Notice restates Section 47(4) of the Act which provides that the tenants had ten days to apply for Dispute Resolution. The tenants did not apply to dispute the Notice within ten days from the date of service.

The landlords gave evidence that the tenants paid a security deposit of \$325.00 in approximately February 2011 at the start of the tenancy.

Analysis

I find that the tenants received the Notice on November 26, 2013. The tenants did not apply to dispute the Notice and are therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice. I grant the landlords an order of possession which must be served on the tenants. Should the tenants fail to comply with the order, it may be filed for enforcement in the Supreme Court.

The landlords are entitled to recover their filing fees, and I authorize them to deduct the \$50.00 filing fee from the security deposit.

Conclusion

I grant the landlords an order of possession.

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 09, 2014

Residential Tenancy Branch