



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MT, CNC, OPC, ERP, OLC, LRE, FF

Introduction

This hearing dealt with applications by the tenant and the landlord pursuant to the *Residential Tenancy Act*. The landlord had served a notice to end tenancy for cause and the tenant applied for an order to set aside this notice and for more time to do so. The landlord applied for an order of possession pursuant to this notice and for a monetary order for the filing fee. The tenant applied for an order directing the landlord to comply with the *Act*, carry out emergency repairs and to suspend the landlord's right to enter the rental unit.

The landlord served the tenant with her evidence package, copy of application and notice of hearing by registered mail and provided a tracking number. Despite having been served with the hearing package, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

Since the tenant did not attend the hearing, the tenant's application is dismissed. Therefore this hearing only dealt with the landlord's application for an order of possession and for the recovery of the filing fee.

Issue to be Decided

Does the landlord have grounds to end this tenancy?

Background and Evidence

The tenancy began on July 01, 2013. The monthly rent is \$1,100.00 due on or before the first of each month. Prior to moving in the tenant paid a security deposit of \$550.00.

On December 29, 2013, the landlord served the tenant with a notice to end tenancy for cause. The tenant made application to dispute it but failed to do so in a timely manner. The tenant did not attend the hearing.

Analysis

Based on the sworn undisputed testimony of the landlord, I find that the tenant received the notice to end tenancy on December 29, 2013. The tenant did not apply to dispute the notice until January 14, 2014, a full 16 days after receiving the notice.

Even if the tenant disputed the notice in a timely manner, she did not attend the hearing. In these situations, the *Residential Tenancy Act* provides that the tenant has been deemed to have accepted the end of the tenancy on the date set out in the Notice. Pursuant to section 55(2) I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

Since the landlord has proven her case, she is entitled to the recovery of the filing fee. I authorize the landlord to retain \$50.00 from the security deposit

Conclusion

The notice to end tenancy is upheld and I grant the landlord an order of possession effective two days after service on the tenant. The landlord may retain \$50.00 from the security deposit towards the recovery of the filing fee.

The tenant's application is dismissed in its entirety.

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: February 04, 2014

Residential Tenancy Branch

