



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, OPB, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession and to recover the RTB filing fee.

The landlord attended the teleconference hearing and gave evidence, however the tenant did not attend. The landlord gave evidence that he served the tenant with the Notice of a Dispute Resolution Hearing and Landlord's Application for Dispute Resolution by posting the documents on the tenant's door on May 8, 2014. I find the tenant was properly served.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

According to the tenancy agreement signed by the parties on September 12, 2012, the tenancy started on September 1, 2012 and the tenant was obligated to pay \$700.00 rent monthly in advance on the first day of the month. According to the tenancy agreement, the tenant also paid a security deposit of \$300.00.

The landlord gave evidence that he served the tenant with a Notice to End Tenancy for Cause (the "Notice") on April 23, 2014 by posting the Notice on the tenant's door. Section 90 provides that a notice served in that manner is deemed to be received by the tenant three days later, on April 26, 2014.

The Notice specifies an effective date, or move-out date, of May 31, 2014. The landlord gave evidence that the tenant asked him for more time to find new accommodation, and the landlord agreed to delay the effective date of the Notice until June 30, 2014.

Analysis

I find the tenant received the Notice on April 26, 2014. According to Section 47(5), if a tenant does not make application for dispute resolution within 10 days of receiving the Notice, the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice and must vacate the rental unit by that date. For that reasons, I find that the landlord is entitled to an order of possession. I grant the landlord an order of possession effective June 30, 2014 at 1 p.m. which must be served on the tenant. Should the tenant fail to comply with the order, it may be filed for enforcement in the Supreme Court.

The landlord is also entitled to recover his RTB filing fee of \$50.00, and I order that the landlord retain \$50.00 from the tenant's security deposit.

Conclusion

I grant the landlord an order of possession effective June 30, 2014 at 1 p.m.

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: June 10, 2014

Residential Tenancy Branch

