



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PRANG HOLDINGS LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

OPC, FF

Introduction

This was the hearing of an application by the landlord for an Order of Possession and to recover the filing fee. The rescheduled hearing was conducted by conference call. I accept that although the tenant was served with the application for dispute resolution and Notice of hearing by posting on their door on May 27, 2014 they did not call into the conference and did not participate in the hearing. The landlord testified that the tenant still resides in the rental unit.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

The relevant evidence in this matter is that the tenancy started September 01, 2011 at which time the landlord collected a security deposit in the amount of \$350.00 which is retained in trust. On March 31, 2014 the tenant was personally served with a One month Notice to End Tenancy for Cause by the landlord. The landlord provided a copy of the Notice to End dated March 31, 2014 with an effective date of May 01, 2014. The tenant has not / did not file an application to dispute the Notice to End Tenancy within the 10 days permitted to do so under the Act.

Analysis

Section 47 of the Act provides that if a tenant does not apply to dispute a one Month Notice to End Tenancy for Cause within 10 days after receiving it, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice and **must** vacate the rental unit by that date. The Notice to End Tenancy

required the tenant to vacate the rental unit by May 01, 2014. As the tenant was served with the Notice to End and the effective date of the Notice has passed, the landlord is entitled to an **Order of Possession effective 2 days from the day** it is served on the tenant. As the landlord was successful in their application, they are entitled to recover their filing fee.

Conclusion

I grant an Order of Possession to the landlord **effective 2 days from the day it is served on the tenant**. The tenant must be served with this **Order of Possession**. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

I Order the landlord may retain \$50.00 from the tenant's security deposit in satisfaction of the filing fee.

This Decision is final and binding on both parties.

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 04, 2014

Residential Tenancy Branch

