



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **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 hearing was conducted by conference call. Although the tenant was served with the application for dispute resolution and Notice of hearing by registered mail on May 02, 2014 they did not call into the conference and did not participate in the hearing. The landlord provided proof of registered mail service and confirmation the tenant received the mail. The landlord testified that the tenant still resides in the rental unit. The landlord was permitted to advance their claim.

### **Issue(s) to be Decided**

Is the landlord entitled to an Order of Possession?

### **Background and Evidence**

This tenancy started in 2013. The payable monthly rent is \$500.00. The landlord holds a \$250.00 security deposit in trust. On March 04, 2014 the tenant was served with a One month Notice to End Tenancy for Cause. 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.

The landlord provided a copy of the Notice to End dated March 04, 2014 with an effective date of April 30, 2014.

### **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 April 30, 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 02, 2014

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Residential Tenancy Branch

