



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding GATEWAY PROPERTY MANAGEMENTCORP.  
and [tenant name suppressed to protect privacy]

## **DECISION**

### **Dispute Codes:**

OPC, FF

### **Introduction**

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act*. The landlord applied for an order of possession and for the filing fee.

The landlord testified that he served the tenant with a notice of hearing on May 12, 2014 by posting the notice of hearing package on the door of the rental unit. Despite having been served a notice of hearing by the landlord, the tenant did not attend the hearing.

The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

### **Issues to be decided**

Is the landlord entitled to an order of possession?

### **Background and Evidence**

The landlord and tenant entered into a tenancy agreement on August 01, 2004. The monthly rent is \$550.00 and prior to moving in; the tenant paid a security deposit of \$275.00. On March 31, 2014, the landlord served the tenant with a notice to end tenancy for cause with an effective date of April 30, 2014.

The tenant did not dispute the notice. The landlord stated that as of the date of the hearing, the tenant had not moved out. The landlord has applied for an order of possession effective two days after service on the tenant.

### **Analysis**

Based on the undisputed testimony and documentary evidence of the landlord, I find that the tenant received the notice to end tenancy, on March 31, 2014 and did not make application, pursuant to Section 47 to set aside the notice to end a residential tenancy, and the time to do so has expired.

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.

### **Conclusion**

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.

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 26, 2014

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Residential Tenancy Branch

