



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPC, FF

### Introduction

This hearing dealt with the landlord's application for dispute resolution under the Residential Tenancy Act (the "Act") seeking an order of possession to the rental unit due to alleged cause and to recover the filing fee for the application.

The parties attended the telephone conference call hearing, the hearing process was explained and they were given an opportunity to ask questions about the hearing process.

Thereafter all parties were provided the opportunity to present their evidence orally and to refer to relevant documentary evidence submitted prior to the hearing, and make submissions to me.

The tenant did not raise any issue about the service of the application or the evidence. The tenant confirmed that she did not provide evidence.

I have reviewed all oral and written evidence before me that met the requirements of the Dispute Resolution Rules of Procedure (Rules); however, I refer to only the relevant evidence regarding the facts and issues in this decision.

### Issue(s) to be Decided

Is the landlord entitled to an order of possession for the rental unit and to recover the filing fee?

### Background and Evidence

The undisputed evidence by way of a written tenancy agreement shows that this tenancy began on February 24, 2013 and monthly rent is \$875.

The landlord submitted that he served the tenant a 1 Month Notice to End Tenancy for Cause (the "Notice"), dated April 14, 2014, via personal delivery on that date, listing an effective end of tenancy on May 31, 2014.

The Notice explains that the tenant had 10 days to dispute the Notice. It also explains that if the tenant does not file an Application to Dispute the Notice within 10 days, then the tenant is conclusively presumed to have accepted the end of the tenancy and must vacate the rental unit by the effective date of the Notice.

The causes as stated on the Notice alleged that the tenant is repeatedly late in paying rent.

The landlord's relevant evidence included a copy of the 1 Month Notice to End Tenancy for Cause, tenant ledger information, banking information, and the tenancy agreement.

In response, the tenant confirmed that she did receive the Notice on the date mentioned by the landlord.

The tenant also stated that she had filed her own application in dispute of the notice and assumed that her application would be heard on the same day.

After asking for that file number, the tenant did provide the same, and I searched the system. The records indicate that the tenant's application in dispute of the Notice was abandoned as she never returned to pick up the application to serve upon the landlord.

### Analysis

I have reviewed all the relevant evidence and I find the tenant was served a 1 Month Notice to End Tenancy for Cause on April 14, 2014, did not vacate the rental unit, did not complete making an application for dispute resolution in dispute of the Notice within ten (10) days of service and is therefore conclusively presumed under section 47(5) of the Act to have accepted that the tenancy ended on the effective date of the Notice and must move out of the rental unit.

I therefore find that the landlord is entitled to an order of possession for the rental unit pursuant to section 55 of the Act, effective two days after service of the order upon the tenant.

I also allow the landlord to recover the filing fee of \$50.

Conclusion

I grant the landlord a final, legally binding order of possession for the rental unit, which is enclosed with the landlord's Decision. Should the tenant fail to vacate the rental unit pursuant to the terms of the order after being served, the order may be filed in the Supreme Court of British Columbia for enforcement as an order of that Court. The tenant is advised that costs of such enforcement are recoverable from the tenant.

I find that the landlord is entitled to recover the filing fee of \$50, and he may either retain that amount from the tenant's security deposit or may seek enforcement of the monetary order, which I have included with his Decision.

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 25, 2014

---

Residential Tenancy Branch

