



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

Landlords' application (filed June 2, 2014): OPC; FF

Tenant's application (filed June 3, 2014): MT; CNC

Introduction

This matter was scheduled to hear cross applications. The Landlords seek an Order of Possession for Cause; and to recover the cost of the filing fee from the Tenant.

The Tenant seeks more time to file an application to cancel a Notice to End Tenancy for Cause; and to cancel a Notice to End Tenancy for Cause issued May 22, 2014.

The Landlord MR gave affirmed testimony at the Hearing.

MR testified that the Notice of Hearing documents and some documentary evidence were handed to the Tenant's caregiver on June 2, 2014, at the rental unit. He stated that another package of documents were provided to the Tenant's caregiver on July 15, 2014.

MR acknowledged receiving the Tenant's Notice of Hearing documents on June 3, 2014.

Based on the MR's affirmed testimony, I am satisfied that the Tenant was duly served with the Notice of Hearing documents pursuant to the provisions of Section 89(2)(c) of the Act. Despite being served with the Notice of Hearing documents, the Tenant did not sign into the conference, which remained open for 10 minutes, and therefore his application is dismissed in its entirety **without leave to reapply**.

MR requested an Order of Possession.

Issues to be Decided

- Are the Landlords entitled to an Order of Possession?
- Are the Landlords entitled to recover the cost of the filing fee from the Tenant?

Background and Evidence

MR testified that he served the Tenant with the Notice to End Tenancy on May 22, 2014, by leaving the document with the Tenant's caregiver at the rental unit. He stated that rent is due on the first day of each month.

Analysis

I accept MR's undisputed affirmed testimony that the Tenant was served with the Notice to End Tenancy on May 22, 2013.

Section 55(1) of the Act provides:

55 (1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant an order of possession of the rental unit to the landlord if, at the time scheduled for the hearing,

(a) the landlord makes an oral request for an order of possession, and

(b) the director dismisses the tenant's application or upholds the landlord's notice.

I have dismissed the Tenant's application and find that the Notice to End Tenancy is a valid notice.

I find that the tenancy ended on June 30, 2014, and that the Tenant is overholding.

Pursuant to the provisions of Section 55 of the Act, I hereby provide the Landlords with an Order of Possession.

The Landlords have been successful in their application and I find that they are entitled to recover the cost of the \$50.00 filing fee from the Tenant. Pursuant to the provisions of Section 72 of the Act, the Landlords may deduct \$50.00 from the security deposit in satisfaction of this monetary award.

Conclusion

I hereby grant the Landlords an Order of Possession **effective 2 days after service of the Order upon the Tenant**. This Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

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: July 23, 2014

Residential Tenancy Branch

