



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Regent Hotel  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPC, FF

### Introduction

This hearing was convened by way of conference call in response to the landlord's application for an Order of Possession for cause and to recover the filing fee from the tenant for the cost of this application.

Service of the hearing documents, by the landlord to the tenant, was done in accordance with section 89 of the *Act*; served by registered mail on May 22, 2014. Canada Post tracking numbers were provided by the landlord in documentary evidence. The tenant was deemed to be served the hearing documents on the fifth day after they were mailed as per section 90(a) of the *Act*.

The landlord appeared, gave sworn testimony, was provided the opportunity to present evidence orally, in writing, and in documentary form. There was no appearance for the tenant, despite being served notice of this hearing in accordance with the *Residential Tenancy Act*. All of the testimony and documentary evidence was carefully considered.

### Issue(s) to be Decided

Is the landlord entitled to an Order of Possession based on the uncontested One Month Notice?

### Background and Evidence

The landlord testified that this month to month tenancy started on January 01, 2014. The rent for this single occupancy room is \$400.00 per month and is due on the 1<sup>st</sup> day of each month. The tenant paid a security deposit of \$200.00 on January 02, 2014.

The landlord testified that the tenant was served a One Month Notice to End Tenancy for cause (the Notice) after the landlord determined that the tenant had allowed up to eight other persons to occupy the room with the tenant. The landlord testified that the Notice was served in person to the tenant on April 30, 2014. The Notice has an effective date of May 31, 2014 and notified the tenant that the reason the Notice was issued is because the tenant has allowed an unreasonable number of occupants in the rental unit.

The landlord seeks an Order of Possession effective as soon as possible and seeks to recover the filing fee of \$50.00 from the tenant.

### Analysis

When a tenant is served with a One Month Notice to End Tenancy the tenant is provided with information on page two of the Notice about how the tenant can dispute the Notice by filing an application for Dispute Resolution. The landlord has provided a copy of this Notice served upon the tenant in person on April 30, 2014. The tenant has not disputed the One Month Notice within the 10 allowable days as indicated on page two of the Notice.

Consequently, as the tenant did not file an application to dispute the Notice the tenant is presumed to have accepted the end of the tenancy pursuant to s. 47(5) of the *Act*. The Notice indicates an effective date of May 31, 2014; however, as this date has since passed, the landlord is entitled to an Order of Possession effective two days after service upon the tenant pursuant to s. 55 of the *Act*.

Conclusion

I HEREBY ISSUE an Order of Possession in favour of the landlord effective **two days after service on the tenant**. This Order must be served on the Respondent and may be filed in the Supreme Court and enforced as an Order of that Court.

I find that the landlord is entitled to be reimbursed for the **\$50.00** cost of filing this application. I order that the landlord retain this amount from the security deposit of \$200.00 leaving a balance \$150.00 which must be returned to the tenant or otherwise dealt with in compliance with section 38 of the *Act*.

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 14, 2014

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Residential Tenancy Branch

