



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 request for an Order of Possession for cause. The tenants did not appear at the hearing. The landlord testified that he personally served each tenant with the hearing documents, in person, at the rental unit on September 11, 2014 in the presence of a witness. I was satisfied the tenants were sufficiently served with notification of this proceeding and I continued to hear from the landlord without the tenants present.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

The tenancy commenced May 1, 2013 and the tenants paid a security deposit of \$437.50. The tenants are required to pay rent of \$875.00 on the 1st day of every month. On July 22, 2014 the male tenant was personally served with a 1 Month Notice to End Tenancy for Cause (the Notice) by the landlord's agent. The Notice has a stated effective date of August 31, 2014. The tenants did not file to dispute the Notice and continue to occupy the rental unit. The tenants did not pay any rent for September 2014.

The landlord stated that the tenants are planning on moving out of the rental unit tomorrow; however, the landlord requested an Order of Possession in the event that does not happen.

The landlord's documentary evidence included a copy of the 1 Month Notice and a Proof of Service for the 1 Month Notice signed by the landlord's agent and person witnessing service.

Analysis

Based upon the undisputed evidence before me, I am satisfied the tenants were served with a 1 Month Notice to End Tenancy for Cause in a manner that complies with the Act. Since the tenants did not file to dispute the Notice within 10 days of receiving it then, pursuant to section 47 of the Act, the tenants are conclusively presumed to have accepted that the tenancy would end on the effective date and were required to vacate the rental unit by that date. Since the tenancy has ended and the tenants remain in possession of the rental unit I find the landlord is entitled to an Order of Possession as requested.

Provided to the landlord with this decision is an Order of Possession effective two (2) days after service upon the tenants.

As the landlord was successful with this Application I award the landlord recovery of the filing fee. The landlord is authorized to deduct \$50.00 from the tenants' security deposit in satisfaction of this award.

Conclusion

The landlord has been provided an Order of Possession effective two (2) days after service upon the tenants. The landlord has been authorized to deduct \$50.00 from the security deposit to recover the filing fee paid for this application from the tenants.

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: September 24, 2014

Residential Tenancy Branch

