



Dispute Resolution Services

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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 dealt with an application by the landlord pursuant to the *Residential Tenancy Act* (the Act) for orders as follows:

- a) An Order of Possession pursuant to Sections 47, and 55 for cause; and
- b) An order to recover the filing fee pursuant to Section 72.

SERVICE:

Only the landlord attended. He provided sworn evidence that he served personally the Notice to end Tenancy dated May 20, 2014 and the Application for Dispute Resolution by registered mail. It was verified online that the registered mail was successfully delivered. I find that the tenant was properly served with the documents according to sections 88 and 89 of the Act.

Issue(s) to be Decided:

The tenant was issued a Notice to End Tenancy dated May 20, 2014 for cause. Has the landlord proved on the balance of probabilities that there is good cause to end this tenancy and obtain an Order of Possession? Is the landlord now entitled to recover the filing fee?

Background and Evidence:

Only the landlord attended although the tenant was served with the Application/Notice of Hearing. The landlord was given opportunity to be heard, to present evidence and to make submissions. The landlord gave sworn evidence that the tenant had done extraordinary damage to the unit by ripping up floors and wood strips; he said they had required him to do repairs, he did not and when they offered assistance, he refused entry and barricaded his door. He said some tenants have health issues. He pointed out that the tenant had not disputed the Notice and the time to do so has expired; he requests an Order of Possession effective September 30, 2014 and to recover filing fees for this application through a deduction from the security deposit which is \$225.00.

On the basis of the solemnly sworn evidence presented at the hearing, a decision has been reached.

Analysis

Order of Possession

I find that the landlord is entitled to an Order of Possession. The Tenant has not made 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. I also find there is good cause to end the tenancy based on the evidence. An Order of Possession is issued effective September 30, 2014 as requested by the landlord.

Conclusion:

I find the landlord is entitled to an Order of Possession effective September 30, 2014 and to recover the filing fee of \$50 for this application.

I HEREBY ORDER that the landlord may deduct \$50 from the security deposit of the tenant to recover the filing fee. This will leave a balance of \$175 in trust for the tenant.

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 16, 2014

Residential Tenancy Branch