



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Ascent Real Estate Management Corporation
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession and recovery of the filing fee. Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail actually receiving on August 8, 2014, the tenant did not appear.

Issue(s) to be Decided

Is the landlord entitled to an order of possession and, if so, on what terms?

Background and Evidence

This fixed term tenancy commenced May 15, 2014 and was to end April 30, 2015. The monthly rent of \$1250.00 is due on the first day of the month. The tenant paid a security deposit of \$625.00.

On June 24, 2014 the landlord issued a 1 Month Notice to End Tenancy for Cause and served it by posting it to the door of the rental unit. The tenant never served the landlord with an application disputing this notice.

The tenant made a payment towards the rent on July 11, 2014, for which he received a receipt marked "for use and occupation only". He has not made any payment towards rent since.

Analysis

The Tenant did not apply to dispute the notice and is therefore conclusively presumed under section 47(5) of the *Residential Tenancy Act* to have accepted that the tenancy ended on the effective date of the notice. Based on the above facts I find that the landlord is entitled to an order of possession effective two days after service on the tenant.

I find that the landlord is entitled to reimbursement from the tenant of the \$50.00 fee paid by the landlord for this application. Pursuant to section 72(2) I order that the landlord \$50.00 from the security deposit in full satisfaction of this claim.

Conclusion

An order of possession effective two days after service on the tenant has been granted. If necessary, this order may be filed in the Supreme Court 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: October 01, 2014

Residential Tenancy Branch

