



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPC, FF

Introduction

This hearing was scheduled in response to the landlord's application for an order of possession for cause and for the recovery of the filing fee.

Despite service of the application for dispute resolution and notice of hearing (the "hearing package") by way of personal service on December 11, 2014, the tenant did not appear. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

Issue(s) to be Decided

Is the landlord entitled to an order of possession? Is the landlord entitled to the recovery of the filing fee?

Background and Evidence

The tenancy started on March 01, 2013. The monthly rent is \$525.00 due in advance on the first day of each month. Prior to moving in, the tenant paid a security deposit of \$262.50.

On December 01, 2014, the landlord served the tenant with a one month notice to end tenancy for cause with an effective date of December 31, 2014. The landlord explained that he had in error interchanged the date of issue of the notice to end tenancy with the effective date of the notice. The tenant did not dispute the notice. The landlord stated that as of the date of the hearing, the tenant had not moved out. The landlord has applied for an order of possession effective two days after service on the tenant.

Analysis

Based on the undisputed testimony and documentary evidence of the landlord, I find that the tenant received the notice to end tenancy, on December 01, 2014 and did not make 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. Pursuant to section 55(2) I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant.

The landlord may retain **\$50.00** from the security deposit towards the recovery of the filing fee.

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: January 13, 2015

Residential Tenancy Branch

