



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes**

OPC, OPB, FF

### **Introduction**

This was the hearing of an application by the landlord pursuant to Section 55(2) of the Residential Tenancy Act (the Act) for an Order of Possession, and to recover the filing fee. The hearing was conducted by conference call.

The landlord testified that they served the tenant with the Notice of Hearing on December 30, 2014 by registered mail to the dispute address. The landlord provided document proof of registered mail service inclusive of the tracking information for the mail, not returned. I find that the tenant was served with the application for dispute resolution and Notice of Hearing in accordance with Section 89 of the Act on December 30, 2014 and deemed by Section 90 of the act to have received the mail 5 days later. However, the tenant did not call into the conference call hearing and did not participate in the hearing. The landlord further testified that they provided the tenant with all evidence advanced to this hearing. The landlord testified that the tenant still resides in the rental unit and they seek an Order of Possession.

### **Issue(s) to be Decided**

Is the landlord entitled to an Order of Possession?

### **Background and Evidence**

The landlord testified that on December 16, 2014 the tenant was personally given /served a 1 Month Notice to End Tenancy for Cause for 5 stated reasons. The tenant has not / did not file an application to dispute the Notice to End Tenancy within the 10 days permitted to do so under the Act and as stated in the Notice.

The landlord provided a copy of the Notice to End dated December 16, 2014 with an effective date of January 30, 2014.

### **Analysis**

**Section 47 of the Act** provides that if a tenant does not apply to dispute a One Month Notice to End Tenancy for Cause within 10 days after receiving it, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice and **must** vacate the rental unit by that date. The Notice to End Tenancy required the tenant to vacate the rental unit by January 31, 2015. I find the Notice to be valid. The landlord makes their application pursuant to **Section 55(2)** of the Act.

As a result of all the above, I find that the landlord is entitled to an **Order of Possession** effective no sooner than the effective date of the Notice to End: January 31, 2015. The landlord is further granted recovery of their filing fee of \$50.00.

### **Conclusion**

**I grant an Order of Possession** to the landlord effective **January 31, 2015**. The tenant must be served with this Order of Possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

**I Order** that the landlord may retain **\$50.00** from the tenant's security deposit in satisfaction of the filing fee for this matter.

**This Decision is final and binding on both parties.**

*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 21, 2015

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Residential Tenancy Branch

