



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding FIRSTSERVICE RESIDENTIAL BC LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC, FF

Introduction

This hearing was convened in response to an application by the landlord under the Residential Tenancy Act (the Act) for an Order of Possession pursuant to a Notice to end for Cause and to recover the filing fee. The hearing was conducted by conference call.

The landlord testified that they personally served the tenant with the Notice of Hearing on January 26, 2015 and that the event was witnessed by an additional staff of the landlord. I find the tenant was served with the application for dispute resolution and Notice of Hearing in accordance with Section 89 of the Act on January 26, 2015; however, they did not call into the conference call hearing and did not otherwise participate in the 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?

Is the landlord entitled to the monetary amount claimed?

Background and Evidence

The undisputed evidence is as follows. The landlord testified that they personally served the tenant with a One Month Notice to End Tenancy for Cause on January 07, 2015, by posting it to the tenant's door. The landlord testified that the service of the Notice was witnessed by an additional staff of the landlord, and that staff orally confirmed this. 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.

The landlord provided a copy of the Notice to End dated January 07, 2015 with an effective date of February 28, 2015, and I find the Notice is valid.

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 requires the tenant to vacate the rental unit by February 28, 2015.

As a result of the above, I find that the landlord is entitled to an Order of Possession. I find the landlord's Order of Possession will be effective no sooner than the effective date of the Notice to End pertaining to this matter.

As the landlord was successful in this application I award the landlord the filing fee for this application.

Conclusion

I grant an Order of Possession to the landlord effective **February 28, 2015**. The tenant must be served with this Order of Possession prior to the effective date. 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 amount.

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: February 11, 2015

Residential Tenancy Branch