



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding FRASERSIDE COMMUNITY SERVICES SOCIETY
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* for an order of possession pursuant to a notice to end tenancy for cause and for a monetary order for the recovery of the filing fee. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Did the landlord serve a valid notice to end tenancy? Does the landlord have cause to end the tenancy? Did the tenant apply to dispute the notice?

Background and Evidence

The tenancy started on May 15, 2013. The monthly rent is \$375.00 due in advance on the first day of each month. Prior to moving in the tenant paid a security deposit of \$187.50.

On January 30, 2015, the landlord served the tenant with a one month notice to end tenancy for cause with an effective date of February 28, 2015. The tenant agreed that he had received the two page notice but did not make application to dispute the notice.

Since the tenant did not move out on effective date of the notice, the landlord applied for an order of possession.

Analysis

Based on the testimony of both parties, I find that the tenant was served with a valid two page notice to end tenancy for cause on January 30, 2015. The tenant agreed that he did not dispute the notice to end tenancy.

Pursuant to section 47 (5) of the *Residential Tenancy Act*, if a tenant has received a notice to end tenancy for cause and does not make an application for dispute resolution within ten days after receiving the notice, the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice and must vacate the rental unit by that date.

Therefore, the landlord is entitled to an order of possession and pursuant to section 55(2); I am issuing a formal order of possession effective on or before 1:00 pm on March 31, 2015. The Order may be filed in the Supreme Court for enforcement.

Since the landlord's application has been granted, I award the landlord the recovery of the filing fee.

Conclusion

I grant the landlord an order of possession effective on or before 1:00 pm on March 31, 2015.

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: March 24, 2015

Residential Tenancy Branch

