



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** OPC; FF

### **Introduction**

This is the Landlord's application for an Order of Possession; and to recover the cost of the filing fee from the Tenants.

The Landlord's agent gave affirmed testimony at the Hearing.

The Landlord's agent testified that the Notice of Hearing documents were hand delivered to the Tenant on May 15, 2015, at 9:30 a.m. with a witness present. The Landlord provided a written statement from the witness in evidence.

Based on the affirmed testimony of the Landlord's agent and the documentary evidence provided by the Landlord, I am satisfied that the Tenant was duly served with the Notice of Hearing documents. Despite being served with the Notice of Hearing documents, the Tenant did not sign into the teleconference and the Hearing proceeded in her absence.

### **Issues to be Decided**

- Is the Landlord entitled to an Order of Possession?

### **Background and Evidence**

The Landlord's agent gave the following testimony:

On April 30, 2015, the Landlord served the Tenant with a One Month Notice to End Tenancy for Cause, by hand delivering the Notice to the Tenant at the rental unit with a witness present. The Landlord provided a proof of service document in evidence.

The Tenant is still living in the rental unit. She has not disputed the Notice, a copy of which was provided in evidence.

### **Analysis**

I accept that the undisputed testimony of the Landlord's agent. I find that the Tenant did not dispute the Notice within 10 days of its receipt. Therefore, pursuant to Section 47(5) of the Act, the Tenant is conclusively presumed to have accepted that the tenancy

ended on May 31, 2015. I find that the Tenant is overholding and that the Landlord is entitled to an Order of Possession of the rental unit.

The Landlord has been successful in her application and I find that she is entitled to recover the cost of the **\$50.00** filing fee from the Tenant, which she may deduct from the security deposit.

### **Conclusion**

I hereby grant the Landlord an Order of Possession effective 2 days after service of the Order upon the Tenant. This Order may be filed in the Supreme Court of British Columbia 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: June 25, 2015

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Residential Tenancy Branch

