



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding 43 HOUSING SOCIETY  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes

OPC FF

### Introduction

This hearing dealt with a landlord's Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act") to obtain an order of possession for cause and to recover the cost of the filing fee.

Two agents for the landlord (the "agents") and the tenant appeared at the teleconference hearing and gave affirmed testimony. During the hearing the parties were given the opportunity to provide their evidence orally. A summary of the testimony is provided below and includes only that which is relevant to the hearing.

At the outset of the hearing, the tenant confirmed that she received the landlord's documentary evidence and that she had the opportunity to review the evidence. The tenant also confirmed that she did not submit any documentary evidence in response to the landlord's application.

### Issues to be Decided

- Is the landlord entitled to an order of possession for cause under the *Act*?
- Is the landlord entitled to recover the cost of the filing fee under the *Act*?

### Background and Evidence

A copy of the tenancy agreement was submitted in evidence. The parties confirmed that a month to month tenancy agreement began on October 1, 2012. The tenant's portion of the monthly subsidized rent is \$595 per month and is due on the first day of each month. The tenant paid a security deposit of \$400 at the start of the tenancy, which the landlord continues to hold.

The tenant confirmed being served with the 1 Month Notice to End Tenancy For Cause (the "1 Month Notice") dated April 29, 2015 on April 30, 2015. The effective vacancy date is listed as June 2, 2015. The tenant confirmed that she did not dispute the 1 Month Notice. The tenant confirmed that she continues to occupy the rental unit. The agents are seeking an order of possession.

### Analysis

**Order of possession** - I find that the tenant was served with the 1 Month Notice dated April 29, 2015 on the date she confirmed receiving the 1 Month Notice, which was April 30, 2015. As the tenant did not dispute the 1 Month Notice, pursuant to section 47 of the *Act*, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice, which was June 2, 2015.

Pursuant to section 55 of the *Act*, I **grant** the landlord an order of possession effective **two (2) days** after service on the tenant.

As the landlord's application had merit, I find the landlord is entitled to the recovery of their filing fee in the amount of **\$50**. The landlord requested that this amount be deducted from the tenant's security deposit.

Pursuant to section 72 of the *Act*, I **ORDER** the landlord to retain \$50 from the tenant's security deposit of \$400 in full satisfaction of the recovery of the cost of the filing fee. I find the tenant's new security deposit balance is now \$350 as a result.

### Conclusion

The landlord has been granted an order of possession effective two (2) days after service on the tenant. This order must be served on the tenant and may be enforced in the Supreme Court of British Columbia.

The landlord has been ordered to retain \$50 from the tenant's security deposit in full satisfaction of the recovery of the cost of the filing fee. The tenant's security deposit is now \$350 as a result.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and 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: July 13, 2015

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Residential Tenancy Branch

