



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, OPB, FF

Introduction

A hearing was conducted by conference call in the presence of a representative of the applicant and in the absence of the respondent although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the one month Notice to End Tenancy was sufficiently served on the tenant by posting, on April 24, 2015 to the front door of the rental unit. Further I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the tenant by mailing, by registered mail to where the tenant resides on June 5, 2015. The landlord further testified the documents were not returned and the tenant has acknowledged receipt of the documents to him. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to an Order for Possession?
- b. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The parties entered into a one year fixed term written tenancy agreement that provided that the tenancy would start on February 1, 2013. The present rent is \$895 per month payable on the first day of each month. The tenant paid a security deposit of \$390 on January 30, 2013. The landlord testified the tenant has given written notice that she would be vacating the rental unit at the end of June 2015.

The tenant(s) continues to live in the rental unit.

Analysis - Order of Possession:

I determined the landlord was entitled to an Order for Possession. The landlord served a one month Notice to End Tenancy on the Tenant on April 24, 2015. The tenant failed to file an application seeking an order to cancel the Notice to End Tenancy and the time to do so has expired. In such situations the Residential Tenancy Act provides 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. The tenant has given written notice she intended to vacate the rental unit at the end of June 2015. The tenant over held and the rent for July has been paid. Accordingly, I granted the landlord an Order for Possession effective July 31, 2015.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

I ordered that the tenant pay to the Landlord the sum of \$50 for the cost of the filing fee such sum may be deducted from the security deposit.

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: July 22, 2015

Residential Tenancy Branch

