



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Pemberton Holmes Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC FF

Introduction

This hearing dealt with the landlord's application for an order of possession. The landlord called in to the teleconference hearing but the tenant did not.

The landlord submitted evidence to establish that the tenant was served with the application for dispute resolution and notice of hearing by registered mail sent on June 24, 2015. Section 90 of the Act states that a document is deemed to have been served five days after mailing. I found that the tenant was deemed served with notice of the hearing on June 29, 2015, and I proceeded with the hearing in the absence of the tenant.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The tenancy began on March 22, 2015, with monthly rent of \$725.00 due in advance on the first day of each month.

The landlord stated that on June 10, 2015 they served the tenant with a notice to end tenancy for cause by posting the notice to the tenant's door. The landlord submitted a Proof of Service of Notice to End Tenancy document in support of their testimony. The effective date of the notice is July 31, 2015. The tenant did not apply to cancel the notice.

Analysis

I have reviewed all evidence and I accept that the tenant was served with the notice to end tenancy as declared by the landlord. The notice is deemed to have been received by the tenant on June 13, 2015.

I accept the evidence before me that the tenant did not apply to cancel the notice to end tenancy, and therefore the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. The landlord is therefore entitled to an order of possession.

The landlord is also entitled to recovery of the \$50.00 filing fee for the cost of their application.

Conclusion

I grant the landlord an order of possession effective two days from service. The tenant must be served with the order of possession. 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 grant the landlord an order under section 67 for the balance due of \$50.00. The landlord may satisfy this order by withholding \$50.00 from the security deposit, or the order may be filed in the Small Claims Court 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: August 24, 2015

Residential Tenancy Branch

