



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Vancouver Eviction Services
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPL, FF

Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order of Possession - Section 55; and
2. An Order to recover the filing fee for this application - Section 72.

I accept the Landlord’s evidence that the Tenant was served with the application for dispute resolution and notice of hearing by registered mail in accordance with Section 89 of the Act. The Tenant did not participate in the conference call hearing. The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession?

Is the Landlord entitled to the monetary amounts claimed?

Background and Evidence

The tenancy began on December 1, 2014. Rent of \$775.00 is payable in advance on the first day of each month. At the outset of the tenancy, the Landlord collected \$387.00 as a security deposit from the Tenant. On September 1, 2015 the Landlord served the Tenant in person with a 2 month notice to end tenancy for landlord’s use (the “Notice”). The effective day of the Notice is set out as October 31, 2015 however this date is automatically corrected to November 30, 2015. The Tenant has not made an

application for dispute resolution, has not paid the rent for December 2015 and January 2016 and has not moved out of the unit.

Analysis

Section 55 of the Act provides that a landlord may request an order of possession of a rental unit by making an application for dispute resolution where a notice to end the tenancy has been given by the landlord, the tenant has not disputed the Notice by making an application for dispute resolution and the time for making that application has expired. Based on the Landlord's evidence I find that the Tenant was given a Notice that was not disputed by the Tenant. Given these facts, I find that the Landlord is entitled to an **Order of Possession**. The Landlord is entitled to recovery of the \$50.00 filing fee and I order the Landlord to deduct this amount from the security deposit.

Conclusion

I grant an Order of Possession to the Landlord. The Tenant must be served with this **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.

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: January 12, 2016

Residential Tenancy Branch

