



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes opl, ff

Introduction

The landlord requests an Order of Possession, base upon an undisputed two month Notice to End Tenancy, and recovery of the filing fee .

The landlord attended the hearing. The tenants did not attend the hearing. I accept that the tenants were properly served with both the Notice to End Tenancy (by posting on the door), and the Landlord's application (by registered mail). These documents are deemed to have been received as per section 90 of the Residential Tenancy Act, and satisfy the service requirements of section 89(2)(d) of the Residential Tenancy Act. .

Issues to Be Decided

- Is the landlord entitled to an Order of Possession?
- Is the landlord entitled to recover the filing fee from the tenants?

Background and Evidence

A two month Notice To End Tenancy was given to the tenants, effective to end the tenancy on December 1, 2015. No dispute of the notice was ever filed. The tenants remain in possession, and have paid no rent since October (although no rent was required for November due to the compensation of one month rent due to the tenants).

Analysis

Section 49(9) of the Residential Tenancy Act, provides that when a tenant does not make application to dispute a notice to end the tenancy for landlord use within the time required, the tenant is conclusively deemed to have accepted that the tenancy ends on the effective date of the notice. Accordingly on this basis I find the tenancy ended December 1, 2015. As that date has passed, the landlord has established a right to possession.

As the landlord is successful, I find the landlord entitled to recover the \$50.00 filing fee from the tenants.

Conclusion

Pursuant to Section 55(2)(b) of the Residential Tenancy Act, I issue an Order of Possession effective 48 hours following service. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court for enforcement.

The tenants must pay the sum of \$50.00 to the landlord, representing the filing fee of this application.

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 27, 2016

Residential Tenancy Branch

