



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC FF

Introduction

This hearing dealt with an application by the landlord for an order of possession pursuant to a notice to end tenancy for cause.

The landlord participated in the teleconference hearing, but the tenant did not call into the hearing. The landlord submitted evidence that they served the tenant with the application for dispute resolution and notice of hearing by registered mail sent on May 26, 2016. 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 May 31, 2106, 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 October 1, 2005.

On April 27, 2016 the landlord served the tenant with a notice to end tenancy for cause. The notice indicated two causes for ending the tenancy. The landlord provided evidence that the notice was posted to the rental unit door in the presence of a witness on April 27, 2016. The tenant did not apply to dispute the notice or vacate the rental unit.

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 April 30, 2016. The tenant did not apply to dispute the notice, and he therefore is conclusively presumed to have accepted that the tenancy ended on May 31, 2016. The tenant has been over-holding since that date. I therefore grant the landlord an order of possession.

As their application was successful, the landlord is entitled to recovery of the \$100.00 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 \$100.00. This 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: June 23, 2016

Residential Tenancy Branch