



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding RAAMCO INTO PROP CAN LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC FF

Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution, received at the Residential Tenancy Branch on August 9, 2016 (the "Application").

The Landlord applied for the following relief pursuant to the *Residential Tenancy Act* (the "Act"): an order of possession for cause; and an order granting recovery of the filing fee.

The Landlord was represented at the hearing by S.T., who provided a solemn affirmation. The Tenant did not attend the hearing.

On behalf of the Landlord, S.T. provided oral testimony confirming service of the Notice of a Dispute Resolution Hearing and the evidence upon which the Landlord intended to rely. S.T. stated these documents were served on the Tenant on August 10, 2016 by registered mail. Pursuant to section 90 of the *Act*, documents served in this manner are deemed to be received five days later. I find the Tenant is deemed to have been served with the Notice of a Dispute Resolution Hearing and the evidence upon which the Landlord intended to rely on August 15, 2016.

S.T. was given an opportunity to present evidence orally and in written and documentary form, and to make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issues to be Decided

1. Is the Landlord entitled to an order of possession?
2. Is the Landlord entitled to recover the filing fee?

Background and Evidence

The Landlord's documentary evidence confirmed a 1 Month Notice to End Tenancy for Cause, dated June 24, 2016, was served on the Tenant by posting a copy to the door of the Tenant's rental unit on that date. The effective date of the 1 Month Notice was July 31, 2016. A Proof of Service form submitted by the Landlord indicates service of the 1 Month Notice was witnessed.

The Tenant did not attend the hearing.

Analysis

Based on the affirmed testimony and documentary evidence, and on a balance of probabilities, I find as follows:

Section 47 of the *Act* permits a landlord to end a tenancy in prescribed circumstances. Upon receipt of a notice to end tenancy for cause, section 46(4) of the *Act* requires a tenant to make an application for dispute resolution within 10 days after receiving the notice. If a tenant does not make an application for dispute resolution in this timeframe, the tenant is conclusively presumed to have accepted the tenancy ended on the effective date of the notice.

As noted above, S.T. provided unchallenged testimony confirming the 1 Month Notice was served by posting a copy on the door of the Tenant's rental unit on June 24, 2016. Pursuant to section 90 of the *Act*, documents served in this manner are deemed to be received three days later. Accordingly, I find the Tenant is deemed to have been served with the 1 Month Notice on June 27, 2016.

The Tenant did not make an application to dispute the 1 Month Notice in the prescribed timeframe. Accordingly, I find the Tenant is conclusively presumed to have accepted the tenancy ended on the effective date of the 1 Month Notice.

In light of the above, I find the Landlord is entitled to an order of possession, which will be effective one (1) day after it is served on the Tenant.

The Landlord also sought to recover the \$100.00 filing fee paid to bring this Application. I grant the Landlord recovery of the filing fee and order that it may be retained from the security deposit paid by the Tenant.

Conclusion

I grant the Landlord an order of possession, which will be effective one (1) day after service upon the Tenant. The order of possession may be filed in and enforced as an order of the Supreme Court of British Columbia.

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: October 03, 2016

Residential Tenancy Branch