



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Vancouver Pacific Housing Society  
and [tenant name suppressed to protect privacy]

## **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, as well as recovery of the filing fee.

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 December 12, 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 December 17, 2016, 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?  
Is the landlord entitled to recovery of the filing fee?

### Background and Evidence

On October 31, 2016 the landlord personally served the tenant with a notice to end tenancy for cause. The landlord stated that they served two further copies by attaching one to the rental unit door and placing another in the tenant's mailbox.

The landlord stated that the tenant did not apply to cancel the notice and she has not moved out of the rental unit. The landlord confirmed that the tenant has paid rent for January 2017.

The Landlord's evidence included the following:

- a copy of the Notice to End Tenancy for Cause, issued on October 31, 2017, with an effective vacancy date of November 30, 2017;
- a copy of the Proof of Service of a 10 Day Notice to End Tenancy, verifying that the tenant was personally served the Notice to End Tenancy for Cause on October 31, 2016; and
- a copy of the Landlord's Application for Dispute Resolution, filed December 9, 2016.

### Analysis

I have reviewed all evidence and I accept that the tenant was served with the notice to end tenancy in accordance with section 89 of the Act, as declared by the landlord. I accept the evidence before me that the tenant has not disputed the notice, and I find that the tenant is conclusively presumed under section 47(5) of the Act to have accepted that the tenancy ended on the effective date of the notice.

I further find that the notice meets the requirements of form and content set out in section 52 of the Act. The landlord is therefore entitled to an order of possession. As the tenant has paid rent for January 2017, I grant an order of possession effective January 31, 2017.

The landlord is also entitled to recovery of the \$100.00 filing fee for the cost of this application..

### Conclusion

The landlord's application is successful.

I grant the landlord an order of possession effective January 31, 2017. 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 \$100.00, representing recovery of the filing fee. 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: January 13, 2017

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Residential Tenancy Branch