



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute codes OPC ET FF

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- an order of possession for cause pursuant to section 55 and an early end to tenancy pursuant to section 56;
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

The hearing was conducted by conference call. All named parties attended the hearing and were given a full opportunity to be heard, to present evidence and to make submissions. The tenants acknowledged service of the application for dispute resolution and notice of hearing.

Issues

Is the landlord entitled to an order of possession for cause and/or early end to tenancy?
Is the landlord entitled to recover its filing fee?

Background and Evidence

The tenancy began on September 1, 2008 and has a current monthly rent of \$358.00 payable on the 1st day of each month. The tenant paid a security deposit of \$400.00 at the start of the tenancy which the landlord continues to hold.

The landlord testified that on January 16, 2017 she served the tenants with the 1 Month Notice to End Tenancy for Cause by posting a copy to the door of the rental premises.

The tenants acknowledged receipt of the Notice on this same date.

Analysis

I am satisfied that the tenants were served with the 1 Month Notice to End Tenancy for Cause on January 16, 2017 pursuant to section 88 of the Act.

Section 47 of the Act contains provisions by which a landlord may end a tenancy for cause by giving a notice to end tenancy. Under this section, the tenant may make a dispute application within ten days of receiving the 1 Month Notice. If, as in the present case, the tenant does not make an application for dispute within ten days, the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the Notice, February 28, 2017.

The landlord was satisfied with the tenancy ending on the effective date of the Notice and did not pursue an order based on the application for an early end to the tenancy.

I find that the Notice issued on January 16, 2017 complies with the requirements of Section 52 of the Act, accordingly, the landlord is granted an Order of Possession pursuant to section 55 of the Act.

As the landlord was successful in this application, I find that the landlord is entitled to recover the \$100.00 filing fee paid for this application. This amount can be retained from the security deposit.

Conclusion

I grant an Order of Possession to the landlord effective **February 28, 2017**. Should the tenant fail to comply with this Order, this Order may be filed 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*.

Residential Tenancy Branch

Dated: February 07, 2017