



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ROYAL VILLA ENT. LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC FF

Introduction

This hearing was convened in response to an application by the landlord under the *Residential Tenancy Act* (the Act) for an Order of Possession pursuant to an undisputed 1 Month Notice to End, and to recover the filing fee. The hearing was conducted by conference call.

The landlord, and one of their representatives agent attended the hearing. Although the tenant was served in accordance with Section 89 of the Act with the application for dispute resolution and Notice of Hearing sent by registered mail on March 11, 2017, as well as personally served on the tenant on the same date, the tenant did not call into the conference and did not participate in the hearing.

Issues(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

This tenancy began in 2015. On January 15, 2017 the tenant was personally served with a One month Notice to End Tenancy for Cause pursuant to **Section 47(d)(i)**, with an effective date of February 28, 2017. The landlord submitted a copy of the Notice to End stating that the Notice to End was posted on the tenant's door. The landlord also testified they had further personally served the Notice to the tenant on or about the same day. The tenant did not file an application to dispute the Notice to End Tenancy. The tenant still resides in the unit.

Analysis

Section 47 of the Act provides that if a tenant does not apply to dispute a one Month Notice to End Tenancy for cause within 10 days after receiving it, the tenant is conclusively presumed to

have accepted that the tenancy ended on the effective date of the Notice and must vacate the rental unit by that date. The Notice to End Tenancy required the tenant to vacate the rental unit by February 28, 2017.

I find the tenant was served with the Notice. I find the Notice complies with Section 52. I find the tenant has not disputed the notice and has not vacated the unit, although the effective date of the Notice has passed. I find that the landlord is therefore entitled to an Order of Possession **effective 2 days from the day it is served** on the tenant.

I grant an Order of Possession to the landlord. The tenant must be served with this 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.

As the landlord was successful in their application they are entitled to recovery of their filing fee.

I Order the landlord may deduct and retain \$100.00 from the tenant's security deposit in satisfaction of the filing fee.

Conclusion

The landlord's application is granted.

This Decision is final and binding.

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: April 11, 2017

Residential Tenancy Branch