



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute codes      OPC MND MNSD 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;
- a monetary order for damage to the rental unit pursuant to section 67;
- authorization to retain all or a portion of the tenant's security deposit in partial satisfaction of the monetary order requested pursuant to section 38;
- 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. The tenant acknowledged service of the application for dispute resolution.

The landlord withdrew its application for a monetary order for damage to the rental unit.

### Issues

Is the landlord entitled to an order of possession for cause?

Is the landlord entitled to recover its filing fee?

### Background and Evidence

The tenancy began on August 15, 2016 with a monthly rent of \$750.00 payable on the 1<sup>st</sup> day of each month. The tenant paid a security deposit of \$375.00 at the start of the tenancy which the landlord continues to hold.

The landlord testified that on January 11, 2017 the tenant was personally served with the 1 Month Notice to End Tenancy for Cause.

The tenant acknowledged receipt of the Notice but was not certain about the date.

### Analysis

I accept the landlord's testimony and am satisfied that the tenant was personally served with the 1 Month Notice to End Tenancy for Cause on January 11, 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 ended on the effective date of the Notice, February 28, 2017.

I find that the Notice 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 **two days after service of this Order** on the tenant. 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*.

Dated: April 28, 2017

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Residential Tenancy Branch