



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC & FF

Introduction

The Application for Dispute Resolution filed by the landlord makes the following claims:

- a. An Order for Possession for cause.
- b. An order to recover the cost of the filing fee

A hearing was conducted by conference call in the presence of a representative of the applicant and in the absence of the respondent although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

The Residential Tenancy Act permits a party to serve another by mailing, by registered mail to where the other party resides. The Policy Guidelines provide that a party cannot avoid service by failing to pick up their registered mail. I find that the one month Notice to End Tenancy was served on the Tenant by posting on March 30, 2017. Further I find that the Application for Dispute Resolution/Notice of Hearing was served on the Tenant by mailing, by registered mail to where the tenant resides on April 20, 2017 and that it was sufficiently served even though the tenant failed to claim the documents.

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to an Order for Possession?
- b. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The parties entered into a written tenancy agreement that provided that the tenancy would start on September 1, 2009. The present rent is \$927 per month payable on the first day of each month. The tenant paid a security deposit of \$437.50 at the start of the tenancy.

The tenant(s) continues to reside in the rental unit. .

Analysis - Order of Possession:

I determined the landlord was entitled to an Order for Possession. The landlord served a 1 month Notice to End Tenancy on the tenant by posting on March 30, 2017. The Tenant(s) has not made an application to set aside the Notice to End Tenancy and the time to do so has expired. In such situations the Residential Tenancy Act provides the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, and must vacate the rental unit by that date. Accordingly, I granted the landlord an Order of Possession. The rent has been paid for May. I set the effective date of the Order of Possession for May 31, 2017. As the landlord has been successful with this application I ordered that the tenant pay to the landlord the sum of \$100 which is the cost of the filing fee such sum may be deducted from the security deposit.

Conclusion:

I granted an Order of Possession effective May 31, 2017. I ordered that the Tenant pay to the Landlord the sum of \$100 for the cost of the filing fee such sum may be deducted from the security deposit.

This decision is final and binding on both parties.

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: May 18, 2017

Residential Tenancy Branch