



# 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 pursuant to a one month Notice to End Tenancy dated April 13, 2017 and setting the end of tenancy for May 31, 2017.
- 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 respondents 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.

I find that the one month Notice to End Tenancy was served on the Tenants by mailing, by registered mail to where the Tenants reside on April 14, 2017. Further I find that the Application for Dispute Resolution/Notice of Hearing filed by the landlord was sufficiently served on each of the Tenants by mailing, by registered mail to where the Tenants reside on June 9, 2017. With respect to each of the applicant's claims I find as follows:

### 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 April 1, 2017. The rent is \$962 per month payable in advance on the first day of each month. The tenants paid a security deposit of \$367.50 prior to the start of the tenancy.

### Analysis - Order of Possession:

I determined the landlord was entitled to an Order for Possession. The landlord served a one month Notice to End Tenancy on the Tenants by mailing, by registered mail to where the Tenants reside on April 14, 2017. That set the end of tenancy date for May

31, 2017. The Tenant(s) have 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.

The rent was paid for July 2017 and the landlord accepted the payment for “use and occupation only.” Accordingly, I granted the landlord an Order for Possession effective July 31, 2017.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

Analysis - Cost of Filing fee:

The landlord has been successful with this application. As a result I ordered that the Tenants pay to the Landlord the cost of the filing fee in the sum of \$100.

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court and enforced as an Order of that Court.

**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: July 24, 2017

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Residential Tenancy Branch