



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPL, FF

### Introduction

This is an application brought by the Landlord requesting an Order of Possession and recovery of the filing fee.

The applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed on June 8, 2017 however the respondent did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent has been properly served with notice of the hearing and I therefore conducted the hearing in the respondent's absence.

All testimony was taken under affirmation.

### Issue(s) to be Decided

The issue is whether or not the applicant has the right to an Order of Possession and recovery of his filing fee.

### Background and Evidence

The applicant testified that this tenancy began in May 2016, as a month-to-month tenancy, with a monthly rent of \$1300.00 due on the first of each month.

The applicant further testified that on April 23, 2017 he personally served the tenant with a two-month Notice to End Tenancy.

The applicant further testified that the tenant has filed no dispute of the Notice to End Tenancy and, although he believes the tenant vacated the rental unit at the beginning of June 2017, he is not entirely sure, as the tenant did not return the keys to him.

The applicant is therefore requesting an Order of Possession for soon as possible to ensure that he can legally take possession of the rental unit.

### Analysis

It is my finding that the landlord has served the tenant with a valid two-month Notice to End Tenancy, and therefore, the landlord does have the right to an Order of Possession of the rental unit. Therefore, even though the landlord believes the tenant has vacated the rental unit, I will be issuing an Order of Possession that's enforceable two days after service on the tenant.

I will not, however, allow the landlord's request for an order for recovery of the filing fee, as it appears that the tenant complied with the Notice to End Tenancy and vacated the rental unit at the end of June 2017.

### Conclusion

I have issued an Order of Possession to the landlord that is enforceable two days after service on the tenant.

The landlords request for recovery of the filing fee has been dismissed.

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 26, 2017

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Residential Tenancy Branch