



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL, FF

Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order for Possession - Section 67; and
2. An Order to recover the filing fee for this application - Section 72.

The Tenants did not attend the hearing. I accept the Landlord's evidence that the Tenants were served with the application for dispute resolution and notice of hearing (the “Materials”) in person on October 8, 2017 in accordance with Section 89 of the Act. Postal evidence indicates that the Tenants refused the mail. The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Is the Landlord entitled to recovery of the filing fee?

Background and Evidence

In September 2013 the Landlord purchased the house containing the current tenancy in the separate rental unit in the lower portion of the house. The Landlord does not know when the tenancy originally started. Rent of \$1,125.00 is payable in advance of the first day of each month. The Landlord is holding a security deposit of \$555.00. On July 31, 2017 the Landlord served the Tenants with a two month notice to end tenancy for landlord's use (the “Notice”) by posting the Notice on the door of the unit. The Notice carries a corrected effective or move-out date of October 31, 2017. The Tenants have not disputed the Notice and have not moved out of the unit. A portion of November 2017 rent has yet to be paid.

Analysis

Section 55(2) of the Act provides that where a notice to end the tenancy has been given by the landlord, the tenant has not disputed the notice by making an application for dispute resolution and the time for making that application has expired, a landlord may request an order of possession. Given the undisputed evidence that the Tenants received the Notice, did not dispute the Notice and have not moved out of the unit I find that the Landlord is entitled to an order of possession. As the Landlord's application

had merit I find that the Landlord is entitled to recovery of the **\$100.00** filing fee and I order the Landlord to deduct this amount from the security deposit of \$550.00 plus zero interest in full satisfaction of the claim.

Conclusion

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.

I order that the Landlord retain \$100.00 from the security **deposit** and interest of \$550.00 in full satisfaction of the claim.

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: November 27, 2017

Residential Tenancy Branch