



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute codes OPC 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;
- 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 landlord's application for dispute resolution.

Issues

Is the landlord entitled to an order of possession pursuant to a 1 Month Notice to End Tenancy for Cause (the 1 Month Notice)?

Is the landlord entitled to recover its filing fee?

Background and Evidence

The tenancy began on March 1, 2017. The tenant had previously been a co-tenant in the rental unit with his father on a separate lease. The tenant paid a security deposit of \$470.00 at the start of the tenancy which the landlord continues to hold.

The landlord testified that on December 20, 2017 the tenant was personally served with the 1 Month Notice.

The tenant acknowledged receipt of the 1 Month Notice on December 20, 2017.

The tenant has not made any application to dispute the 1 Month Notice.

Analysis

I am satisfied that the tenant was personally served with the 1 Month Notice on December 20, 2017, pursuant to sections 88 & 90 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 1 Month Notice, January 31, 2018.

I find that the 1 Month 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: March 01, 2018

Residential Tenancy Branch