



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC, FFL

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlords filed under the *Residential Tenancy Act* (the “Act”), for an order of possession to enforce a One Month Notice to End Tenancy for Cause, (the “Notice”) issued on March 22, 2018.

The Landlords attended the hearing. The Landlords were affirmed to be truthful in their testimony. As the Tenant did not attend the hearing, service of the Notice of Dispute Resolution Hearing documentation was considered. The Landlords testified that they served the Tenant with the Notice of Hearing documents by Canada Post Registered mail, sent on May 5, 2018, a Canada post tracking number was provided as evidence of service. I find that the Tenant had been duly served with the Notice of Hearing in accordance with the *Act*.

The Landlords were provided with the opportunity to present their evidence orally and in written and documentary form, and to make submissions at the hearing.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this decision.

### Issue(s) to be Decided

- Are the Landlords entitled to an order of possession pursuant to section 47 of the Act?
- Are the Landlords entitled to the return of their filing fee?

### Background and Evidence

The Landlords testified that the tenancy began on January 1, 2018, as a month to month tenancy; rent in the amount of \$750.00 is to be paid by the first day of each month and that the Tenant had paid a \$400.00 security deposit.

The Landlords testified that the Notice was served to the Tenant on March 22, 2018, by registered mail, a Canada post tracking number was provided as evidence of service. The Notice has an effective date of June 30, 2018. The reasons checked off by the Landlords within the One Month Notice are as follows:

- *Rental unit /site must be vacated to comply with a government order*

The Notice informed the Tenant of the right to dispute the Notice within 10 days after receiving it. The Notice also informed the Tenant that if an application to dispute the Notice is not filed within 10 days, the Tenant is presumed to accept the Notice and must move out of the rental unit on the date set out on page one of the Notice.

There is no evidence before me that that the Tenant made an application to dispute the Notice.

The Landlords are seeking an order of possession for June 30, 2018.

### Analysis

Based on the evidence before me, the testimony of the Landlords, and on a balance of probabilities, I find that the Tenant was deemed to have received the Notice on March 27, 2018, and did not apply to dispute the Notice. The Tenant is therefore conclusively presumed under section 47(5) of the Act to have accepted that the tenancy ended on the effective date of the Notice.

I find that the Landlords are entitled to an order of possession, pursuant to section 55 of the Act, effective at 1:00 pm on June 30, 2018, after service on the Tenant. This order may be filed in the Supreme Court and enforced as an order of that Court. The Tenant is cautioned that costs of such enforcement are recoverable from the Tenant.

Having been successful, I also find the Landlord is entitled to recover their \$100.00 filing fee.

Conclusion

I find that the Tenant did not dispute the Notice and is therefore presumed under the law to have accepted that the tenancy ended on the effective date of the Notice.

The Landlords are granted an **order of possession** effective at **1:00 pm on June 30, 2018**, and may keep **\$100.00** of the security deposit 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: June 1, 2018

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Residential Tenancy Branch