



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC FF

Introduction

This hearing was convened in response to an application by the landlord under the *Residential Tenancy Act* (the Act) for an Order of Possession and to recover the filing fee. The hearing was conducted by conference call.

The landlord and a representative attended the hearing. I am satisfied with the proof of service evidence submitted by the landlord that although the tenant was served in accordance with Section 89 of the Act with the application for dispute resolution and Notice of Hearing sent by registered mail received March 26, 2018 the tenant did not call into the conference and did not participate in the hearing.

Issues(s) to be Decided

Is the landlord entitled to an order of possession?
Is the landlord entitled to recover their filing fee?

Background and Evidence

The evidence submitted in this matter is that on February 08, 2018 the tenant was personally served with a One month Notice to End Tenancy for Cause pursuant to **Section 47(d)(e)&(g)**, with an effective date of March 31, 2018. The landlord submitted a proof of service document stating the landlord accompanied by a witness personally left the Notice to End with the tenant on February 08, 2018. The tenant did not file an application to dispute the Notice to End Tenancy. The tenant still resides in the unit.

Analysis

Section 47 of the Act provides that if a tenant does not apply to dispute a one Month Notice to End Tenancy for Cause within 10 days after receiving it, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of

the Notice and must vacate the rental unit by that date. The Notice to End Tenancy required the tenant to vacate the rental unit by March 31, 2018.

I find the tenant was served with the Notice. I find the Notice complies with Section 52. I find the tenant has not disputed the notice and has not vacated the unit, although the effective date of the Notice has passed. I find that the landlord is therefore entitled to an Order of Possession effective 2 days from the day it is served on the tenant.

As the landlord was successful in their claim they are entitled to recover their filing fee from the tenant.

Conclusion

The landlord's application is granted.

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 grant the landlord a **Monetary Order** under Section 67 of the Act in the amount of **\$100.00**. If necessary, this Order may be filed in the Small Claims Court and enforced as an Order of that Court.

This Decision is final and binding.

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 04, 2018

Residential Tenancy Branch