



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *OPC, MND, FF*

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for an order of possession pursuant to a notice to end tenancy for cause and for a monetary order for the cost of repairs and for the recovery of the filing fee.

The landlord testified that she served the tenant with a notice of hearing and evidence package on September 27, 2018, by registered mail. The landlord provided a tracking number. Despite having been served a notice of hearing by the landlord, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

The landlord has applied for the cost of repairs. However since the tenancy has not yet ended, the landlord is currently not fully informed of the extent of the damage and the cost of repairs. Therefore, I dismiss this portion of the landlord's application with leave to reapply after the end of tenancy. Accordingly, this hearing only dealt with the landlord's application for an order of possession and a monetary order for the filing fee.

Issues to be decided

Did the landlord serve a valid notice to end tenancy? Does the landlord have cause to end the tenancy? Did the tenant apply to dispute the notice?

Background and Evidence

The tenancy started on February 28, 2015. The monthly rent is \$1,248.00 due in advance on the last day of each month. Prior to moving in the tenant paid a security deposit of \$600.00 and a pet deposit of \$300.00.

On September 10, 2018, the landlord served the tenant with a one month notice to end tenancy for cause with an effective date of October 31, 2018. The two page notice was posted on the front door. The tenant did not dispute the notice to end tenancy. The landlord requested an order of possession effective December 01, 2018.

Analysis

Based on the undisputed testimony and documentary evidence of the landlord, I find that the tenant is deemed to have received the notice to end tenancy, on September 13, 2018 and did not make application, pursuant to Section 47 to set aside the notice to end a residential tenancy, and the time to do so has expired.

In these situations, the *Residential Tenancy Act* provides that the tenant has been deemed to have accepted the end of the tenancy on the date set out in the Notice. Pursuant to section 55(2) I am issuing a formal order of possession effective by 1:00pm on December 01, 2018. The Order may be filed in the Supreme Court for enforcement.

Since the landlord is successful in her application, I award the landlord the recovery of the filing fee of \$100.00.

Conclusion

I grant the landlord an order of possession effective by **1:00pm on December 01, 2018.**

The landlord may retain **\$100.00** from the security deposit towards the recovery of the filing fee.

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 05, 2018

Residential Tenancy Branch