



# 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 an application by the landlord pursuant to the *Residential Tenancy Act*. The landlord applied for an order of possession pursuant to a one month notice to end tenancy for cause. The landlord also applied for the recovery of the filing fee.

The landlord testified that he served the tenant with the notice of hearing and evidence package in person on July 12, 2019. 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.

### **Issues to be decided**

Is the landlord entitled to an order of possession and to the recovery of the filing fee?

### **Background and Evidence**

The tenancy started on June 01, 2019. The monthly rent is \$900.00. Prior to moving in, the tenant paid a security deposit of \$450.00.

The landlord stated that the tenant did not move into the rental unit and sublet the unit to 3 individuals. On June 30, 2019, the landlord served the tenant in person, with a notice to end tenancy for cause with an effective date of July 31, 2019.

The tenant did not dispute the notice. The landlord has applied for an order of possession effective two days after service on the tenant.

### **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 June 30, 2019 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 two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

Since the landlord has proven his case, I award the landlord the recovery of the filing fee. The landlord may retain \$100.00 from the security deposit.

### **Conclusion**

I grant the landlord an order of possession effective **two days** after service on the tenant.

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: August 09, 2019

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Residential Tenancy Branch