



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding WAKESIAH APARTMENTS INC
and [tenant name suppressed to protect privacy]

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 a monetary order for damages and for the filing fee.

The landlord testified that he served the tenant with the notice of hearing and evidence package by registered mail on September 06, 2019. The landlord filed a copy of the tracking slip. 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 July 01, 2018. The monthly rent is \$1,400.00 due on the first of each month. Prior to moving in, the tenant paid a security deposit of \$700.00 and a pet deposit of \$300.00.

The landlord testified that he reminded the tenant multiple times to pay the remainder of the pet deposit, but the tenant failed to do so. On June 27, 2019, the landlord served the tenant 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: October 28, 2019

Residential Tenancy Branch