



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *OPC, MND, MNDC, 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 in the amount of \$30,200.00 for damages and for the filing fee.

The landlord testified that he served the tenant with the notice of hearing and evidence package in person on September 07, 2019, in the presence of a witness. 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.

RTB Rules of Procedure 2.3 states that if in the course of a dispute resolution proceeding, the Arbitrator determines that it is appropriate to do so, the Arbitrator may dismiss unrelated disputes contained in a single application with or without leave to reapply.

In this regard I find the landlord has applied for a monetary order for damages. Since the tenancy has not yet ended and the landlord has not had the opportunity to provide accurate information on the damages he is seeking and since these sections of the landlord's application are unrelated to the main section which is to obtain an order of possession, I dismiss these sections of the landlord's claim with leave to reapply.

Accordingly this hearing only dealt with the landlord's application for an order of possession and for the recovery of the filing fee.

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 landlord testified that the tenancy started in February 2018. The monthly rent is \$980.00. There is no written tenancy agreement. The landlord stated that on May 29, 2019 he served the tenant with a one-month notice to end tenancy for cause, by posting the notice on the door of the rental unit. The landlord provided photographs to support his testimony. 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 02, 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. Accordingly, I grant the landlord a monetary order under section 67 of the *Residential Tenancy Act*, for this amount. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord an order of possession effective **two days** after service on the tenant and a monetary order for **\$100.00**.

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 29, 2019

Residential Tenancy Branch