



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 0821149 B.C. LTD.
and [tenant name suppressed to protect privacy]

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 pursuant to a 1 Month Notice for Cause. The hearing was conducted by conference call. The landlord further requests recovery of the filing fee from the tenant.

The landlord attended the hearing. The landlord testified they served the tenant with notice of today's hearing, and all evidence submitted to this proceeding, by registered mail sent January 02, 2020 and received by the tenant January 03, 2020. The landlord provided the registered mail receipt with the requisite tracking information as indicated on the *Style of Cause* page. I accept the tenant was served in accordance with Section 89 of the Act with the application for dispute resolution, Notice of Hearing and all evidence, despite which the tenant did not call into the conference call and did not participate in the hearing.

Issues(s) to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The tenancy started in 2017. The landlord testified that the tenant still resides in the rental unit. The landlord testified that on December 17, 2019 they personally served the tenant with a One month Notice to End Tenancy for Cause pursuant to Section(s) 47(1)(d)(e)(g) and (h) of the Act with an effective date of January 31, 2020. The landlord submitted a copy of the Notice to End of this matter.

The tenant did not file an application to dispute the Notice to End Tenancy.

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 January 31, 2020.

I find the tenant was served with the One Month Notice and I find the Notice complies with Section 52 of the Act. 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.

I grant an Order of Possession to the landlord **effective 2 days from the day it is served on the tenant**. 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.

As the landlord was successful in this application, they are granted the filing fee for this matter.

I Order that the landlord may retain \$100.00 from the tenant's security deposit in full satisfaction of the amount awarded for the filing fee.

Conclusion

The landlord's application is granted.

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: March 03, 2020

Residential Tenancy Branch