



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards  
Ministry of Housing and Social Development

## Decision

### Dispute Codes:

OPC and FF

### Introduction

Both parties were represented at the hearing. They were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed, to present oral evidence, to cross-examine the other party, and to make submissions to me.

The Landlord indicated in her Application for Dispute Resolution that she wished a monetary Order for damage to the rental unit, a monetary Order for money owed or compensation for damage or loss under the *Residential Tenancy Act (Act)*, and a monetary Order for unpaid rent. At the hearing the Agent for the Landlord withdrew these aspects of the application. The Landlord retains the right to pursue these matters in the future, if necessary.

### Issue(s) to be Decided

The issues to be decided are whether the Landlord is entitled to an Order of Possession for Cause and to recover the filing fee from the Tenant for the cost of the Application for Dispute Resolution, pursuant to sections 55 and 72 of the *Act*.

### Background and Evidence

The Landlord and the Tenant agree that a One Month Notice to End Tenancy for Cause, which had an effective date of September 30, 2008, was personally served on the Tenant on August 05, 2008. The Notice informed the Tenant that if they did not file an Application for Dispute Resolution to dispute the Notice within ten days of receiving it, they are presumed to have accepted the Notice and they must vacate the rental unit by the date set out on the Notice.

The Agent for the Landlord and the Tenant agree that the rental unit two adults and four children are living in a two bedroom rental unit that is very small. The parties agree that there is a significant amount of clothing and personal belongings piled around the furnace in the rental unit. The Tenant acknowledged that the piles of belongings around the furnace constitute a fire hazard, but she states that there is nowhere else to store the personal items.

The Agent for the Landlord stated that rent was paid for October of 2008, and that was accepted on the understanding that it was being accepted for use and occupancy only. The Agent for the Landlord indicated that she wishes an Order of Possession for October 31, 2008.

### Analysis

Section 47 of the *Act* stipulates that a Tenant has ten days from the date of receiving a Notice to End Tenancy for Cause to file an Application for Dispute Resolution to dispute the Notice. I have no evidence that the Tenant filed an Application for Dispute Resolution, therefore I find that the Tenant accepted that the tenancy was ending on September 30, 2008, pursuant to section 47(5) of the *Act*.

On this basis I find that the Landlord is entitled to an Order of Possession that is effective on October 31, 2008.

As the Landlord's Application for Dispute Resolution has merit, I find that the Landlord is entitled to \$50.00 in compensation for the filing fee paid by the Landlord for this application.

### Conclusion

I hereby grant the Landlord an Order of Possession that is effective on October 31, 2008. This Order may be served on the Tenant, filed with the Supreme Court of British Columbia, and enforced as an Order of that Court.

I also grant the Landlord a monetary Order in the amount of \$50.00, as compensation for the filing fee paid by the Landlord for this application. In the event that the Tenant does not voluntarily comply with this Order, it may be served on the Tenant, filed with the Province of British Columbia Small Claims Court, and enforced as an Order of that Court.

Date of Decision: October 03, 2008