

DECISION

Dispute Codes: OPC, FF

This hearing dealt with an application by the landlord for an order of possession.

On January 1, 2008, the landlord collected a security deposit from the tenants in the amount of \$400.00. The tenancy began on the same day. Rent in the amount of \$800.00 is payable in advance on the first day of each month.

The landlord said that on November 28, 2008, he served the tenants in person with a notice to end tenancy for cause. Specifically, at approximately 6 pm on November 28, he and the building manager, KC, attended the tenants' unit. The landlord knocked on the tenants' door. Tenant LW opened the door and the landlord handed her the notice to end tenancy. KC also testified and confirmed the landlord's testimony as stated above. The tenant denied having received the notice to end tenancy. She further denied that she was served with the application for dispute resolution and the notice of hearing for the February 4, 2009 hearing. Based on the above, I find the landlord to have proven on the balance of probabilities that the tenants were served with a notice to end tenancy on November 28, 2008.

The tenants have not applied for dispute resolution to dispute the notice and are therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. Based on the above facts, I find that the landlord is entitled to an order of possession. The tenants must be served with the order of possession. Should the tenants 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.

The landlord is also entitled to recovery of the \$50.00 filing fee. I grant the landlord an order under section 67 for the balance due of \$50.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated March 17, 2009.