



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes**

OPC, FF

### **Introduction**

This hearing was convened in response to an application by the landlord for an Order of Possession pursuant to Section 55 (2)(b) of the Residential Tenancy Act (the Act), and to recover the filing fee pursuant to Section 72. The hearing was conducted by conference call. Although the tenant was served with the application for dispute resolution and Notice of hearing by registered mail on April 02, 2012, and deemed served on April 07, 2012, they did not call into the conference and did not participate in the hearing. The landlord provided a receipt and tracking number for the registered mail. The landlord testified that the tenant still resides in the rental unit. The landlord was permitted to advance their claim.

### **Issue(s) to be Decided**

Is the landlord entitled to an Order of Possession?

### **Background and Evidence**

On March 05, 2012 the tenant was served with a One month Notice to End Tenancy for Cause by registered mail and was deemed served March 10, 2012. The landlord provided a copy of the Notice to End dated March 05, 2012 with an effective date of April 30, 2012. The landlord also provided a receipt and tracking number for the registered mail. The tenant has not / did not dispute the Notice to End Tenancy within the 10 days permitted to do so under the Act.

### **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 ends on the effective date of the Notice and **must** vacate the rental unit by that date. The tenant was served with the

Notice to End and they have not disputed it. The Notice to End Tenancy requires the tenant to vacate the rental unit by April 30, 2012. As a result, I find that the landlord's application pursuant to Section 55 of the Act entitles them to an **Order of Possession** effective April 30, 2012.

As the landlord was successful in their application the landlord is further entitled to recovery of their filing fee in the amount of **\$50.00**.

### **Conclusion**

**I grant** an Order of Possession to the landlord **effective April 30, 2012**. 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.

**I Order** that the landlord may retain the amount of **\$50.00** from the tenant's security deposit in satisfaction 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: April 18, 2012

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Residential Tenancy Branch