



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPC; FF

Introduction

This is the Landlord's application for an Order of Possession; and to recover the cost of the filing fee from the Tenant.

The Landlord's agent gave affirmed testimony at the Hearing.

The Landlord's agent testified that the Notice of Hearing documents were mailed to the Tenant, via registered mail, to the rental unit on July 12, 2012. The Landlord provided the tracking numbers for the registered documents.

Based on the affirmed testimony of the Landlord's agent, I am satisfied that the Tenant was duly served with the Notice of Hearing documents by registered mail. Service in this manner is deemed to be effected 5 days after mailing the documents. Despite being served with the Notice of Hearing documents, the Tenant did not sign into the teleconference and the Hearing proceeded in his absence.

Issues to be Decided

- Is the Landlord entitled to an Order of Possession?

Background and Evidence

The Landlord's agent gave the following testimony and evidence:

The Landlord provided a copy of the tenancy agreement in evidence. This tenancy started on March 1, 2012. Rent in the amount of \$600.00 is due on the first day of each month. The Tenant paid a security deposit in the amount of \$300.00 on February 18, 2010.

On June 26, 2012, the Landlord issued a Notice to End Tenancy for Cause (the "Notice") and posted it to the Tenant's door on June 26, 2012 at 1:30 p.m. A copy of the Notice was provided in evidence. The Landlord seeks to end the tenancy because the Tenant or a person permitted on the property by the Tenant has significantly interfered with or unreasonably disturbed another occupant of the Landlord; and breach of a material term of the tenancy agreement that was not corrected within a reasonable time after written notice to do so.

Analysis

I accept that the Landlord served the Tenant with the Notice by posting it on his door on June 26, 2012. Pursuant to the provisions of Section 90 of the Act, service in this manner is deemed to be effected three days after posting the documents. The Tenant did not file an Application for Dispute Resolution to dispute the Notice within 10 days of receiving the Notice. Therefore, pursuant to the provisions of Section 47(5) of the Act, the Tenant is conclusively presumed to have accepted that the tenancy ended on July 31, 2012. I find that the Landlord is entitled to an Order of Possession **effective 2 days after service of the Order upon the Tenant.**

The Landlord has been successful in its application and is entitled to recover the cost of the **\$50.00** filing fee from the Tenant. Pursuant to Section 72(2)(b) of the Act, the Landlord may deduct \$50.00 from the security deposit. The remainder of the security deposit must be applied in accordance with the provisions of the Act.

Conclusion

I hereby grant the Landlord an Order of Possession **effective 2 days after service of the Order upon the Tenant.** This Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

Pursuant to the provisions of Section 72(2)(b), the Landlord may deduct **\$50.00** from the security deposit, representing recovery of the cost 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: August 02, 2012.

Residential Tenancy Branch