



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 August 10, 2012. The Landlord provided the receipt and tracking numbers for the registered documents.

Based on the affirmed testimony of the Landlord's agent and the documentary evidence provided by the Landlord, 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

A copy of the tenancy agreement was provided in evidence. This tenancy began on December 1, 2009. Monthly rent is due on the first day of each month. The Tenant paid a security deposit in the amount of \$562.50 on November 14, 2009.

The Landlord provided a copy of the Notice to End Tenancy for Cause, issued June 25, 2012. The Landlord's agent testified that he served the Tenant with the Notice to End Tenancy by registered mail, sent June 25, 2012. The Landlord provided a copy of the receipt and tracking number in evidence.

The Tenant did not file an Application for Dispute Resolution seeking to cancel the Notice to End Tenancy.

The Landlord's agent stated that he thinks the Tenant may have moved out of the rental unit but that he is not certain. He asked for an Order of Possession.

Analysis

I accept that the Landlord mailed the Tenant the Notice to End Tenancy on June 25, 2012, by registered mail. Service in this manner is deemed to be effective 5 days after mailing the document, June 30, 2012.

I find that the Notice to End Tenancy complies with the provisions of Section 52 of the Act. The Tenant did not file for dispute resolution, within 10 days of receiving the Notice to End Tenancy. Page two of the Notice clearly indicates that the Tenant has 10 days after receipt of the Notice to file an Application to dispute it.

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.

The Landlord has been successful in its application and I find that it is entitled to recover the cost of the \$50.00 filing fee from the Tenant. Pursuant to the provisions of Section 72 of the Act, the Landlord may deduct the \$50.00 monetary award from the security deposit.

Conclusion

I hereby provide 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.

I order that the Landlord may deduct the cost of the **\$50.00** filing fee from the security deposit. The balance of the security deposit must be applied in accordance with the provisions of the Act.

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: September 06, 2012.

Residential Tenancy Branch