



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

OPC, FF

Introduction

This hearing dealt with an application by the landlord seeking an order of possession based on a One Month Notice to End Tenancy for Cause. The landlord participated in the conference call hearing but the tenant(s) did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing by registered mail on January 31, 2013. I found that the tenants had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence. The landlord gave affirmed evidence.

Issues to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The tenancy began on or about February 2011. Rent in the amount of \$940.00 is payable in advance on the first day of each month. The landlord was not certain to the amount of security deposit posted at the beginning of the tenancy.

The landlord issued a One Month Notice to End Tenancy for Cause on October 26, 2012 with an effective date of December 31, 2012. The notice was issued on the basis of "Rental unit/site must be vacated to comply with a government order". The landlord gave testimony that the local municipality had received a complaint that he had a suite in his duplex that did not meet the local by-laws. A local by-law officer attended and after an inspection was completed the landlord was informed that the unit was to be vacated. At the outset of the hearing the landlord advised that the tenant's began physically moving items from their unit today and were going to stop by and pay the final gas bill.

Analysis

The landlord provided documentation to support his application. The tenants did not submit any documentation nor did they attend the hearing.

The tenants did not apply for dispute resolution to dispute the notice and is 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 tenant must be served with the 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.

As the landlord did not have his file before him and was unable to inform me of the exact amount of the security deposit, I address his request to recover the filing fee as follows; the landlord has been successful in his application and I grant him the recovery of the 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 Division of the Provincial Court and enforced as an order of that Court.

The Notice remains in full effect and force.

Conclusion

The landlord is entitled to an order of possession and a monetary order of \$50.00.

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: February 26, 2013

Residential Tenancy Branch

