



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: ET, OP, FF

Introduction

This hearing was scheduled in response to the landlord's application for an early end of tenancy / an order of possession / and recovery of the filing fee. Both parties attended and gave affirmed testimony.

Issue(s) to be Decided

Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

Pursuant to a written tenancy agreement, a copy of which is not in evidence, the tenancy began on February 1, 2013. Monthly rent of \$850.00 does not include utilities, and a security deposit of \$425.00 was collected.

The landlord issued a 1 month notice to end tenancy for cause dated March 20, 2013. The notice was served by way of posting on the unit door on that same date. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenants must vacate the unit is April 30, 2013. Reasons shown on the notice in support of its issuance are as follows:

Tenant or a person permitted on the property by the tenant has:

significantly interfered with or unreasonably disturbed another occupant or the landlord

Tenant has engaged in illegal activity that has, or is likely to:

damage the landlord's property

adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord

The tenants have not filed an application to dispute the notice and they continue to reside in the unit. During the hearing the parties exchanged views around a date for ending the tenancy, and it was agreed that tenancy will end effective April 30, 2012.

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca

Based on the documentary evidence and testimony of the parties, I find that the tenants were served with a 1 month notice to end tenancy for cause dated March 20, 2013. Following their receipt of the notice, the tenants did not dispute the notice within the 10 day period available for doing so. The tenants are therefore conclusively presumed under section 47(5) of the Act to have accepted that the tenancy ended on the effective date of the notice. Accordingly, I find that the landlord has established entitlement to an **order of possession**.

Pursuant to the end date for tenancy shown on the 1 month notice, and in consideration of the agreement reached between the parties during the hearing, I find that the order of possession will be effective **April 30, 2013**. In the meantime, the parties will attempt to resolve a dispute around unpaid utilities with the assistance of "JP" who attended the hearing with the tenants.

As the landlord has succeeded in obtaining the order of possession sought in her application, I find that she has established entitlement to recovery of the \$50.00 filing fee. I order that the landlord may withhold this amount from the security deposit.

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **1:00 p.m., Tuesday, April 30, 2013**. This order must be served on the tenants. 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.

I order that the landlord may recover the filing fee by way of withholding **\$50.00** from the security deposit at the end of tenancy.

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 17, 2013

Residential Tenancy Branch

