



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, FF

Introduction

This hearing was convened in response to an application by the landlord for an order of possession. Despite having been served with the application for dispute resolution and notice of hearing via registered mail sent on July 7, the tenant did not participate in the conference call hearing.

Issue to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The landlord's undisputed testimony is as follows. On May 29 the tenant was personally served with a notice to end tenancy for cause (the "Notice"). The tenant did not dispute the Notice but did not vacate the rental unit by the effective date. The landlord has accepted several months' rent, including rent for September, for use and occupancy.

Analysis

I accept the undisputed testimony of the landlord and I find that the tenant was served with the Notice on May 29. The tenant did not dispute the Notice and is therefore conclusively presumed to have accepted that the tenancy has ended. I find that the landlord is entitled to an order of possession.

As the landlord has accepted rent for the month of September, I find it appropriate to set September 30 as the last day of the tenancy. I grant the landlord an order of possession which must be served on the tenant and may be filed for enforcement in the Supreme Court should the tenant not comply.

I also find that the landlord is entitled to recover the \$50.00 filing fee paid to bring her application and I award her a monetary order under section 67 for that sum. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The landlord is granted an order of possession effective September 30 and a monetary order for \$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: September 05, 2014

Residential Tenancy Branch

