



# 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 Landlords' Application for Dispute Resolution seeking an Order of Possession and to recover the cost of the filing fee from the Tenants.

The Landlord GF signed into the teleconference and provided affirmed testimony. GF testified that she mailed the Notice of Hearing documents to the Tenants on September 23, 2016, by registered mail. GF provided the tracking numbers for both of the registered mail packages. I am satisfied that the Tenants were each served with the Notice of Hearing documents in accordance with the provisions of Section 89 of the Act.

This Hearing was scheduled to take place by teleconference at 11:00 a.m., November 9, 2016. The Tenants did not sign into the Hearing, which remained open for 10 minutes.

### **Issue to be Decided**

Are the Landlords entitled to an Order of Possession?

### **Background and Evidence**

The Landlord GF testified that she mailed a Notice to End Tenancy for Cause, issued July 29, 2016, to the Tenants by registered mail on July 30, 2016. The Landlords provided a copy of the registered mail receipt and tracking numbers in evidence.

Rent is due on the first day of each month.

The Tenants have not disputed the Notice and remain in the rental unit.

### **Analysis**

I find that the Tenants are deemed to have been served with the Notice to End Tenancy for Cause on August 9, 2016. Further to the provisions of Section 47(5) of the Act, I find that the Tenants are conclusively presumed to have accepted that the tenancy ended on October 31, 2016. I find that the Tenants are overholding and that the Landlords are entitled to an Order of Possession.

The Landlords have been successful in their Application and I find that they are entitled to recover the cost of the \$100.00 filing fee from the Tenants. Pursuant to the provisions of Section 72 of the Act, the Landlords may deduct \$100.00 from the security deposit.

### **Conclusion**

The Landlords are hereby provided with an Order of Possession effective **2 days after service of the Order** upon the Tenants. This Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

The Landlords may **deduct \$100.00 from the security deposit** in 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: November 09, 2016

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Residential Tenancy Branch