



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: ET, FF

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for an order of possession pursuant to a notice to end tenancy for cause and for a monetary order for the recovery of the filing fee.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions. The tenant acknowledged receipt of evidence submitted by the landlord. Both parties gave affirmed testimony.

Issues to be decided

Did the landlord serve a valid notice to end tenancy? Does the landlord have cause to end the tenancy? Did the tenant apply to dispute the notice?

Background and Evidence

The tenancy started on January 15, 2015. The monthly rent is \$850.00 due in advance on the first day of each month. Prior to moving in the tenant paid a security deposit of \$387.50.

On September 22, 2017, the landlord served the tenant with a one month notice to end tenancy for cause with an effective date of November 01, 2017. The tenant agreed that she had received the two page notice but did not make application to dispute the notice.

Since the tenant did not move out on effective date of the notice, the landlord applied for an order of possession.

Analysis

Based on the testimony of both parties, I find that the tenant was served in person with a valid two page notice to end tenancy for cause on September 22, 2017. The tenant agreed that she did not dispute the notice to end tenancy.

Pursuant to section 47 (5) of the *Residential Tenancy Act*, if a tenant has received a notice to end tenancy for cause and does not make an application for dispute resolution within ten days after receiving the notice, the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice and must vacate the rental unit by that date.

Therefore, the landlord is entitled to an order of possession and pursuant to section 55(2); I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

Since the landlord's application has been granted, I award the landlord the recovery of the filing fee. The landlord may retain \$100.00 from the security deposit.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant.

The landlord may retain \$100.00 from the security deposit towards the recovery 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: January 05, 2018

Residential Tenancy Branch