

DECISION AND REASONS

Dispute Codes: OPR, MNR, MNSD.

Introduction

This hearing dealt with an application by the landlord for an Order of Possession, a monetary claim related to non-payment of rent and utilities, a request to retain the tenant's security deposit plus interest in partial satisfaction of this claim and a request to recover the \$50.00 filing fee paid for this application.

I am dismissing the landlord's request for a monetary claim with leave to re-apply, as the landlord failed to provide any documentary evidence supporting the outstanding rental arrears. The landlord may make a new application for a monetary claim related to the claim for outstanding rent and utilities.

Issue to be Decided

The issue before me is whether the landlord is entitled to an Order of Possession due to non-payment of rent and utilities.

Analysis

I accept the evidence of both parties that the tenant is in rental arrears and was served with a ten day Notice to End Tenancy on August 9, 2008. The tenant had five days from receiving the notice to either pay the outstanding rent or to file an application to dispute the notice. Having failed to exercise either of these rights the tenant is conclusively presumed to have accepted the end of the tenancy pursuant to section 46(5) of the *Act*.

On this basis I grant the landlord an Order of Possession effective **two (2) days** after it is served upon the tenant. This Order may be filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

Conclusion

In granting the landlord's application for an Order of Possession, I also Order that the landlord may retain the \$50.00 paid for this application from the tenant's security deposit.

Dated September 15, 2008.