



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION AND REASONS

Dispute Codes: OP, MN, FF

Introduction

This was an application by the landlord for an Order for Possession and a Monetary Order. The landlord was represented on the application by its resident manager. The resident manager's husband was present during the hearing. The hearing was conducted by conference call. The tenant attended the hearing.

Background and Evidence

The tenancy runs from month to month with rent in the amount of \$575.00 due in advance on the first day of each month.

Based on the testimony of the landlord's representative, given under solemn affirmation I find that the tenant was served with a Notice to End Tenancy for non-payment of rent on August 19, 2008. The tenant paid the rent for August on August 28, 2008. The landlord did not reinstate the tenancy, but accepted the payment for use and occupation only. As of the date of the hearing the tenant had no paid rent for September, 2008.

The tenant has not paid the outstanding rent within the time required by the Notice to End Tenancy and he did not apply to dispute the Notice; he is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice.

The landlord's representative has agreed that if the tenant pays the rent for September on or before close of business on September 15, 2008 she will delay the enforcement of the order for possession until September 30, 2008, but if the rent is not paid on September 15, 2008 the landlord is free to immediately enforce the order for possession. Based on the above facts I find that the landlord is entitled to an order for possession effective September 16, 2008 after service on the tenant. This order may be filed in the Supreme Court and enforced as an Order of that Court.

I find that the landlord has established a claim for unpaid rent totaling \$575.00 for the month of September, 2008. The landlord is entitled to recover the \$50.00 filing fee for this application for a total claim of \$625.00 and I grant the landlord an order under section 67 in the said amount. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated September 12, 2008.