



Dispute Resolution Services

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

DECISION AND REASONS

Dispute Codes: OPR, MNR, FF

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for orders as follows:

- A monetary order pursuant to Section 67;
- An order of possession to the landlord pursuant to Section 55;
- An order to recover the cost of filing the Application for Arbitration pursuant to Section 72.

Background and Evidence

I find that the Notice to End Tenancy dated August 06, 2008 and effective on August 16, 2008 was served on the Tenant on August 06, 2008 by way of personal service and the Notice of Hearing package dated August 25, 2008 was served on the tenant on August 29, 2008 by way of personal service.

Despite having been served with the Notice of Arbitration, the tenant did not appear. The landlord was given full opportunity to present evidence and make submissions. On the basis of the solemnly affirmed evidence presented at the hearing, a decision has been reached.

The landlord testified that the tenancy started on June 02, 2008 and the tenant paid a damage deposit of \$ 375.00 on June 02, 2008. The monthly rent is \$750.00 payable on the first of each month. During the hearing the landlord withdrew his claim for a monetary order as he stated that the tenant was current in his rent.

The landlord is requesting for an order of possession for September 30, 2008

Analysis

Based on the undisputed testimony of the Landlord, I accept his affirmed evidence in respect of the claim. I find that the landlord is entitled to recover the cost of filing this application and I also find that the landlord is entitled to an Order for Possession. The Tenant did not pay his rent within five days of receiving the notice to end tenancy nor did he made application pursuant to Section 46 to set aside the Notice to End a Residential Tenancy and the time to do so has expired. In these situations, the *Residential Tenancy Act* provides that the tenant has been deemed to have accepted the end of the tenancy on the date set out in the Notice. Pursuant to section 55(2) I am issuing a formal order of possession effective on September 30, 2008. The Order may be filed in the Supreme Court for enforcement.

Conclusion

I find that the landlord has established a claim for the following:

- To recover the fee to file this application.
- An order of possession effective on September 30, 2008.

Dated September 19, 2008.