

## **DECISION**

**Dispute Codes:** OPR, MND, MNR, MNSD, MNDC, FF

This hearing dealt with an application by the landlord for an Order of Possession, a Monetary Order and an order to retain the security deposit in partial satisfaction of the claim. Despite having been served with the application for dispute resolution and notice of hearing by registered mail on September 25, 2008, the tenant did not participate in the conference call hearing.

At the outset of the hearing, the landlord withdrew her claim to keep part or all of the security deposit.

The landlord said that in October of 2007, they took over the ownership of the building and the tenant was already a renter there. Rent in the amount of \$766.82 is payable in advance on the first day of each month. The tenant failed to pay rent on the 1<sup>st</sup> of July. Later in July, the tenant did pay the July rent. In September, the tenant again failed to pay rent and on September 11, the landlord served the tenant with a Notice to End Tenancy for the reason that the tenant was repeatedly late in paying rent. The tenant further failed to pay rent in the month of October.

Based on the landlord's testimony I find that the tenant was served with a Notice to End Tenancy for cause. The tenant has not applied for dispute resolution to dispute the notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. Based on the above facts, I find that the landlord is entitled to an Order of Possession. The tenant must be served with the Order of Possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

As for the Monetary Order, I find that the landlord has established a claim for \$1533.64 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee. I grant the landlord an Order under section 67 for the balance due of \$1583.64. This Order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated October 27, 2008.