



Dispute Resolution Services

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

Decision

Dispute Codes: MNR OPR FF

This hearing dealt with an application by the landlord for an order of possession and a monetary order.

On January 30, 2004, the landlord collected a security deposit from the tenant in the amount of \$700.00. The tenancy began on the same day. Rent in the amount of \$1450.00 is payable in advance on the first day of each month. The tenant failed to pay rent in the month of November and on November 6, the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant further failed to pay rent in the month of December.

Based on the landlord's testimony, I find that the tenant was served with a notice to end tenancy for non-payment of rent. The tenant has not paid the outstanding rent and has not applied for dispute resolution to dispute the notice within 5 days of being served with the notice to end tenancy 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.

During the hearing, the landlord said that the tenant did pay the November rent on November 15 when he served her with the application for dispute resolution

and the notice of hearing. The landlord therefore withdrew his application for a monetary order for unpaid rent, loss of income and the filing fee.

Dated: December 02, 2008