



Dispute Resolution Services

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

Decision

Dispute Codes: OPC OPR MND MNR FF

This hearing dealt with an application by the landlord for an order of possession and a monetary order. Despite having been served with the application for dispute resolution and notice of hearing in person on November 28, 2008, the tenant did not participate in the conference call hearing.

During the hearing, the landlord withdrew his claim for damages.

The tenancy began on May 19, 2008. Rent in the amount of \$325.00 is payable in advance on the first day of each month. The tenant failed to pay rent in the months of October and November and on November 21, the landlord served the tenant with a notice to end tenancy for non-payment of rent with an effective date of December 1. The tenant further failed to pay rent in the month of December.

On November 21, the landlord also served the tenant with a notice to end tenancy for cause with an effective date of December 21.

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. On December 1, the tenant filed an application for dispute resolution. On December 8, he notified the Residential Tenancy Branch to cancel this application. The tenant 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.

The landlord is seeking recovery of the following outstanding rent and utility charges.

Outstanding rent for November	\$250.00
Outstanding utility charges as of November 31	\$70.00
December rent	\$325.00
An estimate for utility charges for December	\$30.00

I find that the landlord has established a claim for \$675.00 in unpaid rent and utility charges. 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 \$725.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated: December 16, 2008