



Dispute Resolution Services

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

DECISION

Dispute Codes: OPR, MNR, MNSD, & FF

Introduction:

This hearing dealt with the landlord's application requesting an Order of Possession and a monetary claim related to non-payment of rent. Although the tenant was served with notice of this hearing and application in person on October 30, 2008 he did not appear for the hearing. I proceeded to hear the landlord's application in the absence of the tenant.

Issues to be Determined:

Is the landlord entitled to an Order of Possession due to the tenant's failure to pay rent?

Background and Evidence:

The landlord is seeking an Order of Possession due to the tenant's failure to pay rent. The landlord served the tenant with a ten day Notice to End Tenancy on October 15, 2008. The tenant has not paid the outstanding rent or filed an application to dispute the notice.

The landlord stated that he just recently purchased the property and has no knowledge of when this tenant began his tenancy or what the tenant paid for a security deposit. He indicated that the tenant had promised to pay the rent on November 14, 2008, which he was willing to accept, but the tenant failed to come through.

Analysis:

I find that the landlord is entitled to an Order of Possession effective **two (2) days** after it is served upon the tenant. This Order may be filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

I make this finding on the basis that the tenant failed to pay the rent or file an application to dispute the ten day Notice to End Tenancy within 5 days. Pursuant to section 46(5) of the *Act* if the tenant fails to take these actions, he is conclusively presumed to have accepted the end of the tenancy.

I deny the landlord's request for a monetary claim related to the non-payment of rent and his request to retain the tenant's security deposit plus interest. I deny this request

on the basis that the landlord has failed to provide any evidence to support what the monthly rent is or what the security deposit paid was.

Conclusion:

I accept the landlord's application for an Order of Possession.

Dated December 02, 2008.

Dispute Resolution Officer