



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes: OPR, MNR, MNSD and FF

Introduction

This application was brought by the landlord seeking an Order of Possession pursuant to a 10-day Notice to End Tenancy for unpaid rent served in person on February 9, 2009. The landlord also sought a Monetary Order for the unpaid rent and filing fee for this proceeding.

Despite being served with the Notice of Hearing posted on March 4, 2009, the tenant did not call in to the number provided to enable his participation in the telephone conference call hearing. Therefore, it proceeded in his absence.

This matter was originally scheduled to be dealt with as a direct request without hearing on February 26, 2009, but was adjourned to the present hearing as the landlord had not provided sufficient proof of service of the Notice to End Tenancy.

Issue(s) to be Decided

This application requires a decision on whether the landlord is entitled to an Order of Possession and the effective date and a Monetary Order for the unpaid rent and filing fee for this proceeding.

Background and Evidence

This tenancy began November 15, 2008. Rent is \$1,900 per month and the tenant painted the rental unit in lieu of a security deposit.

During the hearing, the landlord gave evidence that the notice to end tenancy had been served when the tenant failed to pay the rent for February 2009. In the interim, the tenant has not paid the March rent.

Analysis

Section 46 of the *Act* which deals with notice to end tenancy for unpaid rent provides that a tenant may pay the overdue rent or make application for dispute resolution within five days of receiving the notice. If the tenant does neither, they are presumed to have accepted that the tenancy ends on the date stated on the notice. In this matter, the tenant has not paid the rent and has not made application to dispute the notice.

Therefore, the landlord requested, and I find she is entitled to, an Order of Possession effective two days from service of it on the tenant and it is effective against the tenant and all other occupants.

I further find that the landlord is entitled to a Monetary Order for unpaid rent and recovery of the filing fee for this proceeding as follows:

February rent	\$1,900.00
March rent	1,900.00
Filing fee	50.00
TOTAL	\$3,850.00

Conclusion

Thus, the landlord's copy of this decision is accompanied by an Order of Possession, enforceable through the Supreme Court of British Columbia, effective two days from service of it on the tenant and a Monetary Order, enforceable through the Provincial Court of British Columbia, for \$3,850.00 for service on the tenant.

March 19, 2009.

Dispute Resolution Officer