

DECISION AND REASONS

Dispute Codes: OPR, MNR, & FF

Introduction:

This hearing dealt with an application by the landlord for an Order of Possession and a monetary claim related to non-payment of rent and utilities by the tenants. Although the tenants were personally served with the notice of this hearing and the landlord's application on January 20, 2009, they did not appear for the hearing. I proceeded with the hearing in the tenants' absence.

The landlord withdrew his monetary claim and I dismissed that portion of the landlord's application with leave to re-apply.

Issue to be determined:

Is the landlord entitled to an Order of Possession due to non-payment of rent by the tenants?

Background and Evidence:

In the absence of any evidence from the tenants, I accept that the tenants were personally served with a 10 day Notice to End Tenancy due to non-payment of rent on January 3, 2009. The tenants had five days after receiving the notice to either pay the outstanding rent owed in full or to file an application for dispute resolution to dispute the notice. The tenants failed to exercise either of these rights and are therefore conclusively presumed to have accepted the end of the tenancy effective January 13, 2009.

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

Conclusion:

The landlord's application for an Order of Possession due to non-payment of rent is granted. I also Order that the tenants pay to the landlord the sum of \$50.00 to recover the \$50.00 filing fee the landlord paid for this application.

Dated February 26, 2009.

Dispute Resolution Officer