



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

Decision

Dispute Codes:

MNR

OPR

MNSD

FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an Order of Possession based on the Notice to End Tenancy for Unpaid Rent dated February 2, 2009, a monetary order for rent owed and an order to retain the security deposit in partial satisfaction of the claim. Although served with the Application for Dispute Resolution and Notice of Hearing by posting on the door, the tenant did not appear.

At the outset of the hearing, the landlord advised that the request for a monetary order was being withdrawn, but that the landlord was still seeking an order of possession. Accordingly, I dismiss the portion of the application relating to monetary compensation with leave to reapply.

Issue(s) to be Decided

The landlord is seeking an Order of Possession. The issue to be determined is whether or not the landlord is entitled to an Order of Possession based on the 10-Day Notice to End Tenancy for Unpaid Rent

Background and Evidence

The landlord submitted into evidence a copy of the 10-Day Notice to End Tenancy dated February 2, 2009 with effective date of February 12, 2009 and a copy of the tenancy agreement. The landlord testified that the fixed term tenancy began on June 15, 2009 and the tenant fell into arrears in rent for \$690.00 accrued as of February 11, 2009. The landlord testified that a Ten-Day Notice was issued and the tenant still did not pay the rent owed and did not make an application to dispute the Notice. The landlord testified that the tenant has not vacated the unit and the landlord has requested an Order of Possession..

Analysis

Based on the testimony of the landlord, I find that the tenant was served with a Notice to End Tenancy for Unpaid Rent in person on February 2, 2009. The tenant has not paid the outstanding rent and did not apply to dispute the Notice and is therefore conclusively presumed under section 46(5) of the Act 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.

Conclusion

I hereby issue an Order of Possession in favour of the landlord effective two days after service on the tenant. This order must be served on the Respondent and may be filed in the Supreme Court and enforced as an order of that Court.

I find that the landlord is entitled to be reimbursed for the \$50.00 cost of filing this application and order that the landlord may retain this amount from the tenant's security deposit.

March 2009

Date of Decision

Dispute Resolution Officer