

# Dispute Resolution Services

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

## **DECISION**

### **Dispute Codes:**

OPR, MNR,, FF

### **Introduction**

This hearing was convened in response to an application by the landlord for an Order of Possession due to unpaid rent, a Monetary Order to recover rental arrears and inclusive of recovery of the filing fee associated with this application.

Both the landlord and the tenant participated in the conference call hearing and were given an opportunity to be heard and provide testimony.

### **Issue(s) to be Decided**

Is the notice to end tenancy valid?

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to the monetary amounts claimed?

### **Background and Evidence**

The undisputed and relevant evidence before me is as follows. The tenancy began on May 01, 2006. Rent in the amount of \$475 is payable in advance on the first day of each month. At the outset of the tenancy, the landlord did not collect a security deposit. The tenant failed to pay rent and accumulated rent arrears, and on March 13, 2009 the landlord served the tenant with a notice to end tenancy for non-payment of rent. It is undisputed by the parties that as of today the quantum of the rent arrears are \$1045. The landlord's total monetary claim is **\$1045**.

The landlord seeks an Order of Possession effective as soon as possible, with which the tenant is agreeable.

### **Analysis**

Based on the landlord's and tenant's testimony I find that the tenant was served with a notice to end tenancy for non-payment of rent and on the undisputed evidence of both parties I find the notice to be valid. The tenant has not paid the outstanding rent and has not applied for dispute resolution to dispute the notice and 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.

As for the monetary order, I find that the landlord has established a claim for **\$1045** in unpaid rent. The landlord is also entitled to recovery of the \$50 filing fee, for a total entitlement of **\$1095**.

### **Conclusion**

**I grant** an Order of Possession to the landlord. The tenant must be served with this 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.

**I grant** the landlord an order under section 67 for **\$1095**. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated May 22, 2009