

DECISION

Dispute Codes: OPR, MNR, MNSD, MNDC, FF

This hearing dealt with an application by the landlord for an order of possession; a monetary order for unpaid rent and filing fee; and an order to retain the security deposit in partial satisfaction of the claim.

During the hearing, the landlord withdrew her application for a monetary order for unpaid rent and an order to retain the security deposit in partial satisfaction of the claim. I therefore dismiss the landlord's application in these regards.

On July 17, 2007, the landlord collected a security deposit from the tenant in the amount of \$555.00. The tenancy began on August 1, 2007. Rent in the amount of \$1110.00 is payable in advance on the first day of each month. The tenant failed to pay rent in the month of April, 2009 and on April 7, the landlord served the tenant with a notice to end tenancy for non-payment of rent. On April 15, the tenant paid \$370.00 towards the outstanding rent for April. On April 20, the tenant paid the balance of the outstanding rent for April in the amount of \$820.00. The landlord said that she had accepted these payments on the basis of the tenant's use and occupancy of the rental unit.

Based on the landlord's testimony, I find that the tenant was served with a notice to end tenancy for non-payment of rent. 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. The tenant must be served with the 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.

The landlord is seeking recovery of the \$50.00 filing fee and I find that she is entitled to such recovery. I grant the landlord an order under section 67 for \$50.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.