

Dispute Resolution Services

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

DECISION

Dispute Codes:

OPR

Introduction

This hearing was convened in response to an amended application by the landlord expressly and solely for an Order of Possession due to unpaid rent.

I accept that despite having been served with the application for dispute resolution and notice of hearing by registered mail in accordance with Section 89 of the Residential Tenancy Act (the Act) the tenant did not participate in the conference call hearing.

Issue(s) to be Decided

Is the notice to end tenancy valid?

Is the landlord entitled to an Order of Possession?

Background and Evidence

The tenancy began on in September 2004. Rent in the amount of \$750 is payable in advance on the first day of each month. The tenant failed to pay rent in the month(s) of May 2009 and on May 04, 2009 the landlord served the tenant with a notice to end tenancy for non-payment of rent with an effective date of May 15, 2009. The tenant still resides in the rental unit. The tenant has not paid rent for June or July 2009. The landlord seeks an Order of Possession as soon as possible

Analysis

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

Conclusion

I grant an Order of Possession to the landlord effective **two (2) days from the day of service on the tenant**. 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.

Dated July 14, 2009