

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing was convened by conference call on this date to deal with an application by the landlord for an Order of Possession, a monetary order for unpaid rent, and to recover the filing fee from the tenant for the cost of this application. Despite having been served with the application for dispute resolution and notice of hearing personally on February 15, 2010, the tenant did not participate in the conference call hearing.

Background and Evidence

The tenancy began in mid-2007. Rent in the amount of \$1,300.00 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 from the tenant. The tenant failed to pay rent in full for the month of October, 2009, but paid \$700.00, and failed to pay rent at all in the months of November and December, 2009 as well as January and February of 2010. On February 2, 2010 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant further failed to pay rent in the month of March, 2010.

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. 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.

Conclusion

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.

As for the monetary order, I find that the landlord has established a claim for \$7,100.00 in unpaid rent. The landlord is also entitled to recovery of the \$100.00 filing fee and I grant the landlord an order under section 67 for the balance due of \$7,200.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: March 31, 2010.

Dispute Resolution Officer