



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      OPR, FF

### Introduction

Some documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The respondent was served with notice of the hearing by posting on the tenants door on December 7, 2010, but did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

### Issues(s) to be Decided

This is a request for an Order of Possession based on a Notice to End Tenancy for non-payment of rent and a request to the respondent bear the \$50.00 cost of the filing fee that was paid for the application for dispute resolution.

### Background and Evidence

The applicants testified that:

- The tenant failed to pay the full rent in the month of November 2010 and therefore a Notice to End Tenancy was issued.
- The tenant did not pay that outstanding rent within the five day grace period and in fact it is still outstanding now, as is the full December 2010 rent.

The applicants are therefore requesting an Order of Possession for January 1, 2011.



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## Analysis and conclusion

The tenant has failed to comply with a 10 day Notice to End Tenancy and rent in the amount of \$40.00 is still outstanding for the month of November 2010.

The Notice to End Tenancy was personally served on the tenant on November 29, 2010, and the tenant had five days in which to pay the outstanding rent and void the notice, or apply for dispute resolution to dispute the notice. In this case the tenant failed to do it either, and therefore is deemed to have accepted the end of the tenancy.

Therefore, the landlords have the right to an Order of Possession, and pursuant to Section 55, I have issued an order of possession for 1 p.m. on January 1, 2011.

I also ordered that the respondent bear the \$50.00 cost of the filing fee.

The landlord is given a formal Order of Possession and the tenant **must** be served with this Order as soon as possible.

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: December 22, 2010.

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Dispute Resolution Officer