



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MNR, OPR, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order. Despite having been personally served with the application for dispute resolution and notice of hearing on January 20, the tenant did not participate in the conference call hearing.

At the outset of the hearing the landlord testified that on January 28 the tenant paid rent for the month of January and that the payment had been accepted for use and occupancy only. The landlord withdrew the monetary claim, seeking only an order of possession and recovery of the filing fee.

Issue to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The landlord's undisputed testimony is as follows. The tenant is obligated to pay \$675.00 per month in rent in advance on the first day of each month. The tenant failed to pay rent on January 1 and on January 6 the landlord served the tenant with a notice to end tenancy by posting the notice on the door of the rental unit.

Analysis

I accept the landlord's undisputed testimony and I find that the tenant was served with a notice to end tenancy for non-payment of rent. The tenant did not pay the outstanding rent within 5 days of receiving the notice and did not apply 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.

I find that the landlord is entitled to recovery of the \$50.00 filing fee.

Conclusion

The landlord is granted an order of possession and may retain \$50.00 from the security deposit to compensate her for the filing fee paid to bring her application.

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: February 07, 2011

Residential Tenancy Branch