



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes FF, MNR, OPR

Introduction

A substantial amount of 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 personal service on February the fifth 2011, but did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issue(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, a request for an order for outstanding rent totalling \$3360.00, and a request that the respondent bear the \$50.00 cost of the filing fee that the applicant paid for the application for dispute resolution.

Background and Evidence

The landlord testified that the tenant has failed to pay the \$1120.00 monthly rent owed for the months of December 2010, January 2011, and February 2011, for a total of \$3360.00, and that the tenant was served a 10 Day Notice to End Tenancy for Unpaid Rent which was posted on the door of the tenant's rental unit on January 27, 2011 and therefore is deemed served three days later.

The Notice states that the tenant had five days to pay the rent or apply for Dispute Resolution or the tenancy would end. The tenant applied to dispute the Notice to End Tenancy, however failed to appear at the hearing, and therefore his application was dismissed and therefore the Notice to End Tenancy is still any valid notice.

Analysis

I have reviewed all the evidence and testimony, and accept that the tenant has been served with notice to end tenancy as declared by the landlord. The notice is deemed to have been received by the tenant on January 30, 2011 and the effective date of the notice is amended to February 9, 2011 pursuant to section 53 of the *Act*. I accept the evidence before me that the tenant has failed to pay the rent owed in full with in the 5 days granted under section 46 (4) of the *Act*.

Based on the foregoing, it is my decision that since the tenants application is been dismissed, the landlord has the right to an Order of Possession.

Conclusion

I find that the landlord is entitled to an Order of Possession effective **two days after service on the tenant**. This order must be served on the tenant and may be filed in the Supreme Court and enforced as an order of that Court.

I find that the landlord is entitled to monetary compensation pursuant section 67 in the amount of \$3410.00 comprised of the outstanding rent plus the \$50.00 filing fee. This order must be served on the tenant and may be filed in the Provincial Court (Small Claims) 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: February 11, 2011.

Residential Tenancy Branch