



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes OPR, OPC, MNSD, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession for unpaid rent and cause, to keep all or part of the security deposit and recovery of the filing fee. The landlord participated in the conference call hearing but the tenants did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing by registered mail. I found that the tenants had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence.

Issue(s) to be Decided

Is the landlord entitled to any of the above under the Act.

Background and Evidence

On February 24, 2011 the landlord served the tenant with a 1 Month Notice to End Tenancy for Cause: tenant is repeatedly late paying rent.

The landlord's agent testified that the tenant has been chronically late paying and or has not paid her rent in full since October 2010. The landlord's agent submitted evidence reflecting that the landlord entered into a payment agreement with the tenant in December 2010 in an effort to assist the tenant however the tenant has not made good on the agreement. The landlord's agent stated that to date the tenant owes the landlord \$2040.00 in unpaid rent.

The landlord's agent is seeking an order of possession in this application and has requested the date of April 30, 2011 to allow the tenant time to find new accommodations.

Analysis

Based on the documentary evidence and testimony I find that the tenant was properly served with a 1 month notice to end tenancy for cause. The tenant did not apply for dispute resolution to dispute the notice and is therefore conclusively presumed to have accepted that the tenancy will end on March 31, 2011 which is the effective date of the notice. Based on the above facts I find that the landlord is entitled to an order of possession.

I find that the landlord has established a claim for \$2040.00 in unpaid rent.

The landlord is entitled to recovery of the \$50.00 filing fee.

Conclusion

I hereby grant the Landlord an **Order of Possession** effective not later than **1:00 PM, April 30, 2011**. This Order must be served on the Tenants and may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

I find that the landlord has established a monetary claim for \$2040.00 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee. I grant the landlord a monetary order under Section 67 of the *Act* in the amount of \$2090.00

A monetary order in the amount of **\$2090.00** has been issued to the landlord and a copy of it must be served on the tenant. If the amount is not paid by the tenant, the Order may be filed in the Provincial (Small Claims) Court of British Columbia 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 15, 2011.

Residential Tenancy Branch