



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR MNSD MNDC FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. Despite having been personally served with the application for dispute resolution and notice of hearing on June 22, 2011, the tenants did not participate in the conference call hearing.

In the hearing, the landlord stated that the tenants have now paid all outstanding rent. I therefore dismissed the portions of the landlord's application regarding a monetary order and an order to retain the security deposit.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The tenancy began on September 1, 1998. Rent in the amount of \$745 is payable in advance on the first day of each month. The tenant failed to pay full rent in the month of June 2011 and on June 2, 2011 the landlord served the tenants with a notice to end tenancy for non-payment of rent. The tenants made partial payment of the rent on June 22, 2011, and paid the outstanding balance on June 28, 2011. On both dates, the landlord issued receipts indicating that the payments were for use and occupancy only.

Analysis

Based on the landlord's evidence I find that the tenants were served with a notice to end tenancy for non-payment of rent. The tenants did not pay all of the outstanding rent within the required time frame, and the landlord did not reinstate the tenancy when they received payment of the outstanding amounts on June 22 and 28, 2011. The tenants did not apply for dispute resolution to dispute the notice and they are 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.

Conclusion

I grant the landlord an order of possession effective two days from service. The tenants must be served with the order of possession. Should the tenants 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.

The landlord is also entitled to recovery of the \$50 filing fee for the cost of their application, and I have so ordered that amount paid to the landlord.

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: July 13, 2011.

Residential Tenancy Branch