



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR

Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order for unpaid rent. An agent for the landlord, the tenant and an advocate for the tenant participated in the conference call hearing.

The landlord did not provide the tenant with a copy of the statement of account that detailed the amounts of rent that had been paid and what amounts were still outstanding. I therefore did not admit that portion of the landlord's evidence, and I dismissed the monetary portion of the landlord's application with leave to reapply.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The tenancy began on April 1, 2010. Rent in the amount of \$920.70 is payable in advance on the last day of each month. The tenant failed to pay full rent for several months, and on August 15, 2011 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant acknowledged that he has not paid the full rent owing for several months.

Analysis

Based on the evidence I find that the tenant was served with a notice to end tenancy for non-payment of rent. The tenant has not paid the outstanding rent and has not applied 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.

Conclusion

I grant the landlord an order of possession effective two days from service. 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.

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: September 29, 2011.

Residential Tenancy Branch