



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

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 applicant(s) testified that the respondent was served with notice of the hearing by registered mail that was mailed on September 29, 2011, however the respondent 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 Notice to End Tenancy for non-payment of rent, and a request for a monetary order for \$1400.00.

Background and Evidence

The applicant testified that:

- The tenant failed to pay rent outstanding totalling \$1400.00 and therefore on September 13, 2011 a Notice to End Tenancy for non-payment of rent was posted on her door.

- The tenant failed to vacate the rental unit or pay the outstanding rent and therefore on September 25, 2011 she applied for dispute resolution to get an Order of Possession and a monetary order.
- The tenant has subsequently sent her a cheque for a portion of the outstanding rent, however there is still \$125.50 outstanding.

The applicant is therefore requesting an Order of Possession for as soon as possible, and an order for the remaining outstanding rent.

Analysis

The tenant has been served with a valid 10 day Notice to End Tenancy for non-payment of rent, and she did not dispute the Notice to End Tenancy or pay the outstanding rent within the five day grace period. The tenant is therefore deemed to have accepted the end the tenancy and I therefore allow the landlords request for an Order of Possession.

I also allow the request for the outstanding rent of \$125.50. The tenant owed a total of \$1400.00 and only paid \$1274.50 and therefore \$125.50 is still outstanding.

Conclusion

I have issued an Order of Possession that is enforceable two days after service on the tenant.

I have issued a monetary order in the amount of \$125.50.

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: October 25, 2011.

Residential Tenancy Branch