



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, 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 served with the application for dispute resolution and notice of hearing by registered mail on October 13, the tenant did not participate in the conference call hearing.

At the hearing the landlord withdrew her claim for a monetary order. The hearing proceeded to address solely the claim for an order of possession.

Issue to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The landlord's undisputed testimony is as follows. The tenant is obligated to pay \$500.00 each month in rent. He failed to pay rent for several months and on September 16, 2011, the landlord served him with a 10 day notice to end tenancy for unpaid rent by posting the notice on the door of the rental unit.

Analysis

I accept the landlord's undisputed testimony and I find that the tenant received the notice to end tenancy on September 19, 3 days after it was posted. The tenant did not dispute the notice or pay the arrears and pursuant to section 46(5) of the Act is conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. I find that the landlord is entitled to an order of possession. The tenant must be served with the order. If the tenant fails to comply with the order, it may be filed in the Supreme Court and enforced as an order of that Court.

I further find that the landlord is entitled to recover the \$50.00 filing fee paid to bring this application. The landlord may deduct \$50.00 from the security deposit.

Conclusion

The landlord is granted an order of possession and may deduct \$50.00 from the security deposit.

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: November 07, 2011

Residential Tenancy Branch