



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: OPR, MNR, FF

### Introduction

This hearing was scheduled in response to the landlord's application for an order of possession / a monetary order for unpaid rent / and recovery of the filing fee. The landlord's agent attended and gave affirmed testimony. Despite being served by way of registered mail with the application for dispute resolution and notice of hearing (the "hearing package"), the tenant did not appear. Evidence provided by the landlord includes the Canada Post tracking number for the registered mail.

### Issue(s) to be Decided

Whether the landlord is entitled to any of the above under the Act, Regulation or tenancy agreement.

### Background and Evidence

Pursuant to a written tenancy agreement, a copy of which is not in evidence, the term of tenancy is from June 1, 2011 to May 31, 2012. Monthly rent of \$900.00 is payable in advance on the first day of each month, and a security deposit of \$450.00 was collected.

The landlord issued a 1 month notice to end tenancy for cause dated November 8, 2011. The notice was personally served on the tenant on that same date. A copy of the notice was submitted in evidence, and shows the reason for its issuance as follows:

Tenant is repeatedly late paying rent

The landlord testified that while rent for September was eventually paid in full, it was paid late; only partial payment of rent was made for October; and no rent has been paid for either November or December 2011. The landlord also testified that the tenant is currently in the process of removing her possessions from the unit.

### Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord's agent, I find that the tenant was served with a 1 month notice to end tenancy for cause dated November 8, 2011. I find that the notice was served in person on November 8, 2011, and that the tenant did not apply to dispute the notice within the 10 day period available for her to do so. The tenant is therefore conclusively presumed under section 47(5) of the Act to have accepted that the tenancy ended on the effective date of the notice, which I find is December 31, 2011. In the result, I find that the landlord is entitled to an order of possession.

As for the monetary order, I find that the landlord has established entitlement to \$2,400.00, which is comprised as follows:

\$550.00: unpaid for October  
\$900.00: unpaid for November  
\$900.00: unpaid for December  
\$ 50.00: filing fee

The landlord has not applied to retain the security deposit.

### Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **1:00 p.m., Saturday, December 31, 2011**. This Order must be served on the tenant. 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.

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$2,400.00**. This Order may be served on the tenant, filed in the Small Claims Court 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: December 16, 2011.

---

Residential Tenancy Branch