



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession and recovery of his filing fee. Despite having been served with the application for dispute resolution and notice of hearing by registered mail on November 24, the tenant did not participate in the conference call hearing.

Issue to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The landlord's undisputed evidence is as follows. The tenant failed to pay rent in the month of October and on October 17, the landlord served her with a 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 was served with a notice to end tenancy on October. 17. The tenant did not pay the rental arrears and did dispute the notice within 5 days and is therefore 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 and I issue a formal order which may be filed in the Supreme Court for enforcement.

I also find that the landlord should recover the \$50.00 filing fee paid to bring this application. The landlord may retain \$50.00 from the security deposit.

Conclusion

The landlord is granted an order of possession and may retain \$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: December 07, 2011

Residential Tenancy Branch