



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession pursuant to a notice to end tenancy and for a monetary order for unpaid rent.

The notice of hearing was served on the tenant in person at the rental unit by the landlord, in the presence of a witness. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

During the hearing the landlord informed me that the tenant had paid the outstanding rent on December 26, 2011 and therefore the landlord withdrew his application for a monetary order. Accordingly this hearing only dealt with the landlord's application for an order of possession

Issues to be decided

Is the landlord entitled to an order of possession?

Background and Evidence

The landlord testified that he the tenancy started on June 01, 2011. The monthly rent is \$500.00. The tenant failed to pay full rent for December and on December 02, 2011, the landlord served the tenant, in person, with a notice to end tenancy.

The tenant paid the balance of rent on December 26, 2011 and the landlord issued a receipt for use and occupancy only.

Analysis

Based on the undisputed testimony and documentary evidence of the landlord, I find that the tenant received the notice to end tenancy, on December 02, 2011 and did not make application, pursuant to Section 46 to set aside the notice to end a residential tenancy, and the time to do so has expired.

In these situations, the *Residential Tenancy Act* provides that the tenant has been deemed to have accepted the end of the tenancy on the date set out in the Notice. Pursuant to section 55(2), I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant.

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 28, 2011.

Residential Tenancy Branch