



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 for an order of possession and a monetary order for unpaid rent. Despite having been personally served with the application for dispute resolution and notice of hearing on November 16, 2011, the tenant did not participate in the conference call hearing.

During the hearing, the landlord stated that the tenant paid the outstanding rent of \$600, and the landlord therefore no longer required a monetary order for that amount. Accordingly, I dismiss that portion of the landlord's application.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The tenancy began on September 1, 2011. Rent in the amount of \$1200 is payable in advance on the first day of each month. The tenant failed to pay \$600 of the rent in the month of November 2011 and on November 2, 2011 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant paid the outstanding balance of \$600 on November 22, 2011, and the landlord issued a receipt for use and occupancy only.

Analysis

Based on the landlord's testimony I find that the tenant was served with a notice to end tenancy for non-payment of rent. The tenant did not pay the outstanding rent within the required time, and has not applied for dispute resolution to dispute the notice. The tenant is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. Based on the above facts I find that the landlord is entitled to an order of possession.

Conclusion

I grant the landlord an order of possession effective two days from service. The tenant must be served with the order of possession. 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.

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 30, 2011.

Residential Tenancy Branch