



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR 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 December 22, 2011, the tenants did not participate in the conference call hearing.

At the outset of the hearing, the landlord stated that they wished to withdraw the monetary portion of their application. I therefore dismiss the landlord's monetary claim.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The tenancy began on August 1, 2007. Rent in the amount of \$1000 is payable in advance on the first day of each month. The tenants failed to pay rent in the month of December 2011 and on December 8, 2011 the landlord served the tenants with a notice to end tenancy for non-payment of rent. The tenants did not pay the full amount owing within five days of having received the notice to end tenancy.

Analysis

Based on the landlord's testimony I find that the tenants were served with a notice to end tenancy for non-payment of rent. The tenants did not pay the full outstanding rent within the required time frame and have not applied for dispute resolution to dispute the notice and are 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.

As the landlord's application was successful, they are also entitled to recovery of the \$50 filing fee for the cost of their application.

Conclusion

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

I also grant the landlord recovery of the \$50 filing fee.

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: January 10, 2012.

Residential Tenancy Branch