

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This is an application filed by the Landlord for an order of possession, a monetary order request for unpaid rent and recovery of the filing fee.

Both parties attended the hearing by conference call and gave testimony. The Tenant confirms receiving the Landlord's notice of hearing and evidence package. The Tenant stated that he has not submitted any evidence. As such, I find that each has been properly served with the notice of hearing and any evidence under the Act.

At the beginning of the hearing, the Landlord stated that there are currently no rent arrears as the Tenant has made late payments in full. The Landlord is only seeking an order of possession and recovery of the filing fee.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Is the Landlord entitled to a monetary order?

Background and Evidence

This Tenancy began on September 1, 1992 on a fixed term tenancy until the last day of February 1993 and then thereafter on a month to month basis. The Landlord has submitted an incomplete tenancy agreement. A security deposit of \$265.00 is currently held by the Landlord.

The Landlord stated that the Tenant was served with a 10 day notice to end tenancy for unpaid rent. The Landlord is still seeking an order of possession as the Tenant has paid off the rent arrears on February 8, 2012 and has further made an advance rent payment for the 1st half of March 2012. The Tenant confirms this and does not dispute the Landlord's claims. The Landlord seeks an order of possession effective for March 31, 2012 at 1:00 pm.

Analysis

I accept the Landlord's undisputed testimony and 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 5 days of receiving the notice and did not apply for dispute resolution to dispute the notice and is therefore conclusively presumed to have accepted that the tenancy is ended on the effective date. Based upon the above facts I find that the Landlord is entitled to an order of possession effective on March 31, 2012 at 1:00 pm. 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.

The Landlord is also entitled to recovery of the \$50.00 filing fee. The Landlord is granted a monetary order for \$50.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The Landlord is granted an order of possession and a monetary order for \$50.00.

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: February 13, 2012.

Residential Tenancy Branch