

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This is an application filed by the Landlord for an order of possession for unpaid rent, a monetary order for unpaid rent, to keep all or part of the security deposit and recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend. The Landlord stated that the Tenant was served with the notice of hearing documents by registered mail on March 1, 2012 and has submitted a copy of the Canada Post Registered Mail Customer Receipt. As such, I am satisfied that the Tenant was properly served with all documents under the Act.

At the beginning of the hearing the Landlord's Agent wished to withdraw the monetary portion of the Landlord's application. The Landlord stated that a partial rent payment (with a post dated cheque) has been made and only wishes to proceed with the request for an order of possession and recovery of the filing fee at this time.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Background and Evidence

The Landlord states that the Tenant was served with a 10 day notice to end tenancy for unpaid rent on February 6, 2012. The notice displays an effective date of February 16, 2012. The notice states that rent of \$800.00 was due on February 1, 2012. The Landlord states that no rent payments were received from the Tenant for the month of February 2012. The Tenant currently has possession of the rental and is currently in March rental arrears of \$875.00.

The Landlord seeks an order of possession because the Tenant failed to make the February rent payments within 5 days of receiving the notice and has also failed to apply for dispute for the 10 day notice.

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 ended on the effective date of the notice. Based upon the above facts, I find that the Landlord is entitled to an order of possession. 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 the recovery of the \$50.00 filing fee. I grant the Landlord a monetary order for \$50.00 under section 67 of the Act. 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: March 19, 2012.

Residential Tenancy Branch