



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, OPR, O

Introduction

This hearing dealt with an application by the landlord for a monetary order and an order of possession. Despite having been served with the application for dispute resolution and notice of hearing via registered mail on March 13, the tenant did not participate in the conference call hearing.

The tenant submitted evidence to the Residential Tenancy Branch but the landlord testified that he did not receive a copy of the tenant's evidence. That evidence has therefore not been considered.

At the hearing, the landlord withdrew his claim for unpaid rent for March.

Issue to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The landlord's undisputed evidence is as follows. The tenant is obligated to pay \$880.00 per month in rent. On February 23 the tenant gave the landlord a cheque for his rent for March but made it payable to the wrong party. The landlord immediately returned the cheque to the tenant and asked for a new cheque. The tenant did not provide a new cheque by March 1, 2012 and on March 3, 2012 the landlord served the tenant with a 10 day notice to end tenancy for unpaid rent (the "Notice"). The landlord submitted his application for dispute resolution on March 13 and on March 17 received in the mail a cheque for the rent outstanding for March. The landlord gave the tenant a receipt advising that the monies were accepted for use and occupancy only.

Analysis

I accept the landlord's undisputed testimony and I find that the tenant was deemed to have received the Notice on March 8. The tenant did not dispute the Notice or pay the

rental arrears within 5 days and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice. I grant the landlord an order of possession effective on March 31, 2012. Should the tenant fail to comply with the order, it may be filed in the Supreme Court and enforced as an order of that Court.

Conclusion

The landlord is granted an order of possession.

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 26, 2012

Residential Tenancy Branch