



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

OPR, MNR, FF

Introduction

This was the hearing of an application by the landlord for an Order of Possession and a monetary order for unpaid rent. The landlord further seeks to recover the filing fee for this application. The hearing was conducted by conference call.

The landlord testified the tenant was served with the application for dispute resolution and Notice of hearing by personal service on May 11, 2012. The tenant did not call into the conference and did not participate in the hearing. The landlord testified that the tenant still resides in the rental unit.

The landlord was given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to the monetary amount claimed?

Background and Evidence

On March 26, 2012 the female tenant was personally served with a One month Notice to End Tenancy for Cause (Notice to End) with an effective date of April 30, 2012. The tenant has not filed an application to dispute the Notice to End and has not vacated in accordance with the Notice to End. The landlord also testified that the tenant did not pay the monthly rent payable of \$750.00 for April 2012 and has not paid the rent for May 2012. Despite not giving the tenant a 10 Day Notice to End for the unpaid rent, the landlord seeks the unpaid rent in the sum of \$1500.00.

Analysis

Section 47 of the Act provides that if a tenant does not apply to dispute a one Month Notice to End Tenancy for Cause within 10 days after receiving it, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice and must vacate the rental unit by that date. The Notice to End Tenancy required the tenant to vacate the rental unit by April 30, 2012.

The tenant was served with the Notice to End; they have not disputed it and have not moved, although the effective date of the Notice has passed. I find that the landlord is entitled to an **Order of Possession**.

On reflection, the landlord has provided testimonial evidence in support of their monetary claim. I find the landlord is entitled to the unpaid rent in the amount of **\$1500.00**. The landlord is also entitled to recovery of the **\$50** filing fee, for a total award to the landlord in the sum of **\$1550.00**.

Conclusion

I grant an Order of Possession to the landlord **effective two (2) days after service on the tenant**. The tenant must be served with this **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.

As the landlord wishes to administer the security deposit of this tenancy at the end of the tenancy, **I grant** the landlord a Monetary Order under Section 67 of the Act for the amount of **\$1550.00**. If necessary, this order may be filed in the Small Claims Court and enforced as an order of that Court.

This Decision is final and binding on the parties.

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: May 30, 2012

Residential Tenancy Branch