



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR MNR FF

### Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order for unpaid rent. Despite having been served with the application for dispute resolution and notice of hearing by registered mail on April 12, 2012, the tenant did not participate in the conference call hearing.

During the hearing, the landlord stated that the tenant had paid the balance of the outstanding rent. I therefore dismissed the portion of the landlord's application regarding a monetary order.

### Issue(s) to be Decided

Is the landlord entitled to an order of possession?

### Background and Evidence

The tenancy began on August 1, 2010. Rent in the amount of \$860 is payable in advance on the first day of each month. The tenant failed to pay \$700 of her rent in the month of March 2012 and on March 9, 2012 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant did not pay the outstanding rent until April 26, 2012.

### Analysis

Based on the landlord's testimony 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 the required time frame and has not applied 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 on the above facts I find that the landlord is entitled to an order of possession.

The landlord is 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 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.

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 1, 2012.

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Residential Tenancy Branch