



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute codes OPR FF

Introduction

This hearing dealt with an application by the landlord for an order of possession. The landlord has also requested recovery of the filing fee from the tenant. Both parties attended the hearing and had an opportunity to be heard.

The landlord's application had originally requested a monetary order but that request was withdrawn by the landlord at the hearing.

Issues

Is the landlord entitled to the requested order?

Background and Evidence

On August 4, 2012 the tenant was served with a Notice to End Tenancy for non-payment of rent. The tenant did not pay the outstanding rent within five days of receiving the Notice and did not file an application to dispute the Notice.

The landlord has requested an order of possession effective September 30, 2012.

Analysis

Section 46 of the Act requires that upon receipt of a Notice to End Tenancy for non-payment of rent the tenant must, within five days, either pay the full amount of the arrears indicated on the Notice or dispute the notice by filing an Application for Dispute Resolution with the Residential Tenancy Branch. If, as in the present case, the tenant does neither of these two things, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice and the landlord is entitled to an order of possession.

Conclusion

I find that the landlord is entitled to an order for possession effective September 30, 2012. This order may be filed in the Supreme Court and enforced as an order of that Court.

I also find that the landlord is entitled to recover the \$50.00 filing fee for this application from the tenant.

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*.