



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, MNR,

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an order of possession for cause and a monetary order for unpaid rent.

Although served with the Application for Dispute Resolution and Notice of Hearing in person on August 27, 2012, the tenant did not appear. I find that the tenant has been duly served in accordance with the Act.

The landlord gave testimony and was provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order for unpaid rent?

Background and Evidence

Based on the testimony of the landlord, I find that the tenant was served with a notice to end tenancy for cause on August 14, 2012, by personal service which was witnessed. The notice informed the tenant that they have ten days to dispute the notice. The notice also explains if the tenant does not file an application to dispute the notice within ten days, they are presumed to have accepted the notice and must move out of the rental unit on the date set out in the notice.

The landlord testified the tenant has not paid rent for September 2012 and owes \$820.00. The landlord stated the tenant was late with August 2012, rent and seeks to recover the late fee of \$25.00 as stated in the tenancy agreement.

Analysis

Based on the above, the testimony, and evidence, and on a balance of probabilities, I find as follows:

The tenant did not apply to dispute the Notice and is therefore conclusively presumed under section 47(5) of the Act to have accepted that the tenancy ended on the effective date of the Notice.

I find that the landlord is entitled to an order of possession effective at 1:00 pm on September 30, 2012. A copy of this order must be served on the tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

I find that the landlord has established a total monetary claim of \$895.00 comprised of unpaid rent for September, 2012, the late fee and the \$50.00 fee paid by the landlord for this application.

I order that the landlord retain the deposit and interest of \$410.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of **\$485.00**.

This order may be filed in the Provincial Court (Small Claims) and enforced as an order of that court.

Conclusion

The tenant did not file to dispute the notice to end tenancy. The tenant is presumed under the law to have accepted that the tenancy ended on the effective date of the notice to end tenancy.

The landlord is granted an order of possession. The landlord is granted a monetary order in the above amount.

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: September 14, 2012.

Residential Tenancy Branch