



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR CNR CNC FF

Introduction

This hearing dealt with applications by the tenant and the landlord. The tenant applied to cancel two notices to end tenancy, one for unpaid rent and one for cause. The landlord applied for an order of possession pursuant to the notice to end tenancy for unpaid rent.

The landlord's application was originally considered through the direct request process, a non-participatory process. The landlord was granted an order of possession through that process. The tenant then applied for a review of the decision on the landlord's application, on the basis that the tenant had already applied to cancel the notice to end tenancy for unpaid rent. A review hearing of the landlord's application was granted, and joined to be heard with the tenant's application.

The tenant, one landlord and two agents for the landlord participated in the teleconference hearing. At the outset of the hearing, each party confirmed that they had received the other party's evidence. Neither party raised any issues regarding the evidence. I have reviewed all testimony and other evidence. However, only the evidence relevant to the issues and findings in this matter are described in this decision.

Issue(s) to be Decided

Is the order of possession dated November 21, 2012 valid?

Background and Evidence

The tenancy began on July 1, 2012. Rent in the amount of \$1200 is payable in advance on the first day of each month. On October 31, 2012, the landlord served the tenant a notice to end tenancy for cause. The tenant failed to pay rent in the month of November 2012 and on November 2, 2012 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant further failed to pay rent in the month of December 2012. The tenant did not dispute these facts.

Analysis

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 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 order of possession dated November 21, 2012 is valid.

It was not necessary for me to consider the notice to end tenancy for cause, as the tenancy has ended pursuant to the notice to end tenancy for unpaid rent.

The tenant was unsuccessful in his application, so he is not entitled to recovery of the filing fee for the cost of his application.

Conclusion

The application of the tenant is dismissed.

I confirm the order of possession dated November 21, 2012. The landlord must serve the order of possession on the tenant. If the order of possession has already been served on the tenant, the landlord may now pursue enforcement of the 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: December 9, 2012.

Residential Tenancy Branch