



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, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. Both the landlord and the tenant participated in the teleconference hearing.

At the outset of the hearing, the tenant confirmed that he had received the landlord's application and evidence. Neither party raised any issues regarding service of the application or the evidence. I have reviewed all testimony and other evidence. However, in this decision I only describe the evidence relevant to the issues and findings in this matter.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order?

Background and Evidence

The tenancy began on March 27, 2013, with monthly rent in the amount of \$00 due on the 27th day of each month. The tenant failed to pay \$100 of the rent due on September 27, 2013, and on October 16, 2013 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant did not pay the outstanding rent within five days of being served with the notice to end tenancy. The tenant did not dispute these facts.

Analysis

Based on the evidence 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 did not apply for dispute resolution to dispute the notice. The tenant 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.

As the landlord's application was successful, she is also entitled to recovery of the \$50 filing fee for the cost of her 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.

The landlord is entitled to \$50 representing the filing fee for this application. This order may be filed in the Small Claims Court 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: December 6, 2013

Residential Tenancy Branch

