



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an order of possession, for a monetary order and to recover the filing fee from the tenant.

Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail, sent on September 13, 2014, the tenant did not appear. A Canada post tracking number was submitted as evidence. I find that the tenant has been duly served in accordance with the Act.

The landlord's appeared, gave testimony and was provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to at the hearing.

### Issues to be Decided

Is the landlord entitled to an order of possession for unpaid rent?

Is the landlord entitled to a monetary order?

Is the landlord entitled to recover the cost of the filing fee?

### Background and Evidence

Based on the testimony of landlord, I find that the tenant was served with a notice to end tenancy for non-payment of rent on September 2, 2014 by personal service, which was witness by the local police. The notice informed the tenant that the notice would be cancelled if the rent was paid within five days. The notice also explains the tenant had five days to dispute the notice.

The landlord testified that the tenant did not dispute the notice and did not pay rent within five days. The landlord stated that the monthly rent is \$450.00 and that the tenant failed to pay rent for September 2014 and October 2014. The landlord stated on October 9, 2014, she received a partial payment of rent in the amount of \$375.00 and

issued a receipt for use and occupancy only. The landlord stated that she seeks an order of possession and a monetary order for rent owed in the amount of \$525.00.

### Analysis

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

The tenant has not paid the outstanding rent and did not apply to dispute the Notice and is therefore conclusively presumed under section 46(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 **two days** after service 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 **\$575.00** comprised of unpaid rent for September, October 2014 and the \$50.00 fee paid by the landlord for this application. I grant the landlord an order under section 67 of the Act.

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

### Conclusion

The tenant failed to pay rent and 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, and a monetary order for the unpaid rent.

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: October 31, 2014

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Residential Tenancy Branch

