



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 for Dispute Resolution by the landlord for an order of possession, and to recover the filing fee from the tenant.

Although served with the Application for Dispute Resolution and Notice of Hearing in person on April 13, 2017, 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 at the hearing.

Issue to be Decided

Is the landlord entitled to an order of possession 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 non-payment of rent on April 2, 2017. 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 stated that the full amount of rent owed was not paid. The landlord stated that they were informed that the tenant has vacated the premises; however, they are still requesting the order of possession to ensure the tenant does not come back.

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, pursuant to section 55 of the Act, 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.

Since the landlord was successful with their application, I find that the landlord is entitled to recover the filing fee from the tenant. I authorize the landlord to deduct the amount of \$100.00 from the tenant's security deposit in full satisfaction of this award.

Conclusion

The tenant failed to pay rent. The landlord is granted an order of possession. The landlord is authorized to deduct the filing fee from the tenant's security deposit.

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: May 19, 2017

Residential Tenancy Branch