



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION

Dispute Codes: OPR, MNR, FF

Introduction

This application was brought by the landlord seeking an Order of Possession pursuant to a Notice to End Tenancy for unpaid rent served on August 15, 2008. The landlord also seeks a Monetary Order for the unpaid rent and filing fee. The landlord did not request authorization to retain the security deposit in set off against the balance.

Issue(s) to be Decided

This application requires a decision on whether the landlord is entitled to an Order of Possession and the effective date, and whether a Monetary Order is due, the amount, and if the filing fee should be included.

Background and Evidence

This tenancy began in 1999. Rent is \$735 per month and the landlord holds a security deposit of \$350 paid in 1999.

During the hearing, the landlord gave evidence that the Notice to End Tenancy was served August 15, 2008 with an end of tenancy date of August 25, 2008. The tenant paid the rent on July 29, 2008 but at the time of the hearing, rent had not been paid for August or September.

Analysis

Section 46 of the *Act* which deals with notice to end tenancy for unpaid rent provides that a tenant may pay the overdue rent or make application for dispute resolution within five days of receiving the notice. If the tenant does neither, they are presumed to have accepted that the tenancy ends on the date stated on the notice. In this matter, the tenant had not paid the rent and did not make application to dispute the notice.

Therefore, the landlord requested, and I find she is entitled to, an Order of Possession effective two days from service of it on the tenant. I further find that the landlord is entitled to a Monetary Order for the unpaid rent and filing fee for this proceeding as follows:

August rent	\$ 735.00
September rent/loss of rent	735.00
Filing fee	50.00
TOTAL	\$1,520.00

Conclusion

Thus, the landlord's copy of this decision is accompanied by an Order of Possession effective two days from service of it on the tenant, and a Monetary Order for \$1,520.00 for service on the tenant. The Order of Possession is enforceable through the Supreme Court of British Columbia and the Monetary Order is enforceable through the Provincial Court of British Columbia.

The landlord remains at liberty to make application for any damages as may be ascertained at the conclusion of the tenancy.

September 17, 2008
