



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## Decision

Dispute Codes      OPR, MNR, FF

### Introduction

This matter dealt with an application by the landlord for an order of possession for unpaid rent and a monetary order for unpaid rent and to recover the filing fee for this application.

At the hearing both the landlord and tenant appeared and the tenant acknowledged receiving the Notice to End Tenancy on August 11, 2008.

### Issues(s) to be Decided

Is the tenant entitled to dispute the Notice and if not is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order for unpaid rent and if so in what amount?

### Background and Evidence

The landlord gave evidence that the tenant's rent is subsidized based upon income and that tenants are required once a year to supply the required information to continue the subsidy. Failure to supply the information results in the rent returning to a "market value". The landlord has supplied documentary evidence showing that the tenants were sent a notice on July 23, 2008 to supply the required documents no later than August 15, 2008. The landlord also states that they have followed up that notice with a personal visit and a phone call.

As the required information has not been supplied, the month rent has moved to "market value" and as such the tenant has been unable to pay the new rent, leading to the Notice to End Tenancy for unpaid rent in the amount of \$2626.00.

The tenant at the hearing stated that his mother, the co-tenant had recently suffered a serious medical problem and as such he didn't know what he was supposed to do. The landlord is reluctant to allow any more time and as such requests an order of possession.

### Analysis



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The tenant upon receipt of the Notice to End Tenancy has a period of five days to pay the required arrears rent or to file an application for dispute resolution. This process is explained to the tenant on page 2 of the Notice. The tenants have not done either of the options available to them, and as such are deemed to have accepted that the tenancy will end and they are required to vacate the premises on the effective date named on the notice. The landlord is thus entitled to an order of possession.

The tenant has not disputed the past due rent claimed by the landlord, and as such the landlord is entitled to an order of possession.

## Conclusion

I order that the tenancy is to end and that the tenants are required to vacate the premises no later than September 30, 2008. The order must be served upon the tenants, and may be enforced as an order of the Supreme Court of British Columbia.

I grant the landlord a monetary order for unpaid rent of \$2626.00 and for the \$50.00 filing fee for a total of \$2676.00. This order may be filed with and enforced as an order of the Provincial Court of British Columbia.

Dated: September 19, 2008

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Dispute Resolution Officer