



# Dispute Resolution Services

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

## **DECISION AND REASONS**

Dispute Codes: OPR, MNR, FF.

### Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for orders as follows:

- A monetary order pursuant to Section 67;
- An order of possession to the landlord pursuant to Section 55;
- An order to recover the cost of filing the Application for Arbitration pursuant to Section 72.

### Issues to be decided

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

Is the landlord entitled to a monetary order to recover unpaid rent and the filing fee?

### Background and Evidence

I find that the Notice to End Tenancy dated August 14, 2008 with an effective date of August 24, 2008, was served on the Tenant on August 14, 2008 by way of personal service. The Application for Arbitration dated August 15, 2008 was served on the tenant on August 19, 2008 by registered mail. Both parties attended the hearing and were given full opportunity to present evidence and make submissions. On the basis of the solemnly affirmed evidence presented at the hearing, a decision has been reached.

The landlord testified that the tenancy started on January 01, 2008 and the tenant paid a security deposit of \$1000.00 on January 12, 2008. The monthly rent is \$ 2000.00 due on the first of the month. The tenant failed to pay rent for August and September and was served with a ten day notice to end tenancy. The tenant is currently still occupying

the rental unit and the landlord is making a claim for an order of possession effective two days after service on the tenant.

The landlord is also making a claim for a monetary order for the following:

- \$ 4000.00 Rent for August and September 2008.
- \$ 50.00 The fee for filing this application.

### Analysis

Based on the undisputed testimony of the Landlord, I accept her affirmed evidence in respect of the claim. I find that the landlord is entitled to rent for August and September and is also entitled to the cost of filing this application. Accordingly, I grant the landlord an order under section 67 in the amount of \$ 4050.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

I find that the landlord is entitled to an Order for Possession. There is outstanding rent. The Tenant has not made application pursuant to Section 46 to set aside the Notice to End a Residential Tenancy and the time to do so has expired. In these situations, the *Residential Tenancy Act* provides that the tenant has been deemed to have accepted the end of the tenancy on the date set out in the Notice. Pursuant to section 55(2) I am issuing a formal order of possession effective two days after service. The Order may be filed in the Supreme Court for enforcement.

### Conclusion

I will issue the landlord the following orders:

- A monetary order in the amount of \$ 4050.00.
- An order of possession effective two days after service on the tenant.

September 15, 2008

Date of Decision