



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 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.

Background and Evidence

I find that the Notice to End Tenancy dated August 02, 2008 was served on the Tenant on August 02, 2008 by way of personal service and the Application for Arbitration dated August 13, 2008 was served on one tenant on August 14, 2008 by personal service and on the other tenant on August 14, 2008 by way of registered mail.

Despite having been served with the Notice of Arbitration, the tenants did not appear. The landlord was 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 June 01, 2008. The monthly rent is \$1000.00 due on the first of the month. The tenants paid rent for June, 2008 but failed to pay rent for July, August and September. The tenants have not moved out and the landlord is claiming the following:

- \$ 3000.00 Rent for July, August and September 2008
- \$50.00 The fee for filing this application
- An order of possession effective two day after serving it on the tenant.

Analysis

Based on the undisputed testimony of the Landlord, I accept his affirmed evidence in respect of the claim. I find that the landlord is entitled to three months rent and is also entitled to the cost of filing this application. Pursuant to section 67, I am issuing the landlord with a formal order for payment for the amount of \$ 3050.00. 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 \$ 3050.00
- An order of possession effective two days after service on the tenant.

September 10, 2008

Date of Decision