



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, 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 June 20, 2008 was served on the Tenant on June 20, 2008 by way of personal service and the Application for Arbitration dated August 11, 2008 was served on the tenant on August 12, 2008 by way of registered mail.

The landlord and tenant 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 monthly rent is \$2100.00 and is payable on the first of each month. The tenancy started on April 01, 2008. The tenant has not paid rent for June, July, August and September 2008. The tenant did not dispute this and agreed that he owed rent for these months. Since the date that the landlord filed her application for dispute resolution, she met with the tenant and agreed to give him some more time to pay the outstanding rent. They mutually agreed upon a date of September 22, 2008 as the date by which the tenant would pay his dues or move out. The landlord has requested an order of possession for that date and a monetary order for the following:

- \$ 8400.00 for rent owed for June, July, August and September 2008
- \$ 50.00 for the filing fee for this application.

Analysis

Based on the testimony of the Landlord, I accept her affirmed evidence in respect of the claim. Pursuant to section 67 I am issuing a formal order for payment in the amount of \$ 8450.00. 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 of 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 September 22, 2008. The Order may be filed in the Supreme Court for enforcement.

September 10, 2008

Date of Decision