



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.

The landlord amended his application prior to the hearing to include a claim for outstanding rent. I find that the notice to end tenancy dated November 11, 2008 was served on the tenant in person on November 11, 2008. The notice of hearing dated November 19, 2008 was served on the tenant on November 21, 2008, by registered mail. Despite having been served the notice of hearing, the tenant did not show up for the hearing. The landlord attended the hearing and 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.

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

The landlord testified that the tenancy started on May 01, 2006. The monthly rent is \$1800.00 due in advance on the first day of the month. The tenant failed to pay rent for November and December and he continues to occupy the rental unit.

The landlord is requesting a monetary order for unpaid rent and the filing fee. The landlord has also requested an order of possession effective two days after service on the tenant.

Analysis

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim. I find that the landlord is entitled to a total of \$2750.00 which consists of rent for November, half of December and the filing fee. In the event that the landlord is unable to rent the unit for the latter half of December, he is at liberty to apply for a monetary order to claim rent for one half month. I grant the landlord a monetary order in the amount of \$2750.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

The tenant received the notice to end tenancy for unpaid rent, on November 11, 2008 with an effective date of November 22, 2008. He did not pay rent within five days of receiving the notice to end tenancy nor did he make 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 on the tenant. This Order may be filed in the Supreme Court for enforcement.

Conclusion

I grant the landlord a monetary order in the amount of \$2750.00 and an order of possession effective two days after service on the tenant.

Dated December 09, 2008.

Dispute Resolution Officer