



Dispute Resolution Services

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

DECISION

Dispute Codes: OPR, MNR and FF

Introduction

This application was brought by the landlord seeking an Order of Possession pursuant to a Notice to End Tenancy for unpaid rent served November 24, 2008 and setting an end of tenancy date of December 31, 2008. The landlord also sought a Monetary Order for the unpaid rent, and filing fee for this proceeding.

As the hearing took place after the end date set by the Notice to End Tenancy, as authorized by section 64(3)(c) of the *Act*, I permitted the landlord to amend the application to include rent for half of January.

Issue(s) to be Decided

This application requires a decision on whether the landlord is entitled to an Order of Possession and the effective date, and whether a Monetary Order is due, the amount, and if the filing fee should be included.

Background and Evidence

This tenancy began February 1, 2007 and was renewed June 1, 2008. Rent is currently \$1,084 per month and there is not security deposit.

During the hearing, the landlord gave evidence that the tenants had paid only \$600 toward the rent for September of 2008, and had paid no rent for the following October, November, December or January.

Analysis

Section 46 of the *Act* which deals with notice to end tenancy for unpaid rent provides that a tenant may pay the overdue rent or make application for dispute resolution within five days of receiving the notice.

If the tenant does neither, they are presumed to have accepted that the tenancy ends on the date stated on the notice. In this matter, the tenant has not paid the rent and has not made application to dispute the notice.

Therefore, the landlord requested, and I find she is entitled to, an Order of Possession to take effect at 1 p.m. on January 16, 2009.

I further find that the landlord is entitled to a Monetary Order for the unpaid rent and filing fee for this proceeding as follows:

September rent shortfall (\$1,084 less \$600.00)	\$484.00
October rent	1,084.00
November rent	1,084.00
December rent	1,084.00
One half of January rent	542.00
Filing fee	50.00
TOTAL	\$4,328.00

Conclusion

Thus, the landlord's copy of this decision is accompanied by an Order of Possession effective at 1 p.m. on January 16, 2009 and a Monetary Order for \$4,328.00 for service on the tenants.

The Order of Possession is enforceable through the Supreme Court of British Columbia and the Monetary Order is enforceable through the Provincial Court of British Columbia.

January 8, 2009

Dispute Resolution Officer