



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.

Introduction

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

- An order of possession, pursuant to Section 55;
- A monetary order for unpaid rent, pursuant to Section 67;

The notice of hearing dated December 24, 2008 was served on the tenant on December 16, 2008, by slipping the notice under the tenant's front door. The landlord also stated that the tenant was reminded about the hearing by a staff member soon after. 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 for unpaid rent?

Background and Evidence

The landlord testified that the tenancy began on October 10, 2008. The monthly rent is \$795.00 due in advance on the first day of the month. The tenant owed the landlord \$564.19 for October and failed to pay rent for the months of November and December 2008. The tenant continues to occupy the rental unit and has not paid rent for January 2009. On November 06, 2008 the landlord served the tenant with a ten day notice to end tenancy for non payment of rent with an effective date of November 17, 2008.

The landlord is applying for an order of possession effective two days after service on the tenant and a monetary order in the amount of \$2949.19 for unpaid rent.

Analysis

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim. The tenant received the notice to end tenancy for unpaid rent, on November 06, 2008 and did not pay rent within five days of receiving the notice to end tenancy nor did the tenant 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. The order may be filed in the Supreme Court for enforcement.

I also find that the landlord is entitled to a total of \$2949.19 in unpaid rent (\$564.19 for October, \$795.00 per month for the months of November 2008, December 2008 and January 2009). I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the total amount of \$2949.19. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord an order of possession effective **two** days after service on the tenant and a monetary order in the amount of **\$2949.19**.

Dated January 26, 2009.
