



Dispute Resolution Services

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

DECISION AND REASONS

Dispute Codes: *OPC, MNR, FF.*

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;
- An order to recover the cost of filing the Application for Arbitration pursuant to Section 72.

The notice of hearing dated December 31, 2008 was served on the tenant on January 01, 2009, in person. 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 cause?
- Is the landlord entitled to a monetary order for rent and the filing fee?

Background and Evidence

The landlord testified that the tenancy began on June 01, 2008. The monthly rent is \$1380.00 due in advance on the first day of the month. The landlord stated that the tenant was repeatedly late paying rent and was late in the months of August, September, November and December. The landlord served a ten day notice to end tenancy in the months of August, September and November and a one month notice to end tenancy for cause on November 27, 2008. The tenant is currently in occupation of the rental suite and has not paid rent for January 2009.

The landlord is applying for an order of possession and a monetary order in the amount of \$1380 for rent for January and \$50.00 for the filing fee.

Analysis

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim. Pursuant to section 47(4) of the *Residential Tenancy Act*, a tenant may dispute a notice under this section by making an application for dispute resolution within ten days after the date the tenant receives the notice. Section 47(5) states that if a tenant does not make an application for dispute resolution within ten days after receiving the notice to end tenancy, the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice and must vacate the rental unit by that date. In this case, the tenant did not dispute the notice to end tenancy and hence 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.

I also find that the landlord is entitled to \$1350.00 for unpaid rent for January 2009 and \$50.00 for the filing fee. Accordingly, I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the amount of \$1430.00. 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 **\$1430.00**.

Dated January 20, 2009.

Dispute Resolution Officer