



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

OPR

MNR

MNDC

FF

Introduction

I have been delegated the authority under Section 9.1 of the *Residential Tenancy Act* (the “Act”) to hear this matter and decide the issues.

I reviewed the evidence on the case file prior to the Hearing. Both parties attended and this Hearing proceeded on its merits.

Issue(s) to be Decided

This is the Landlord’s application for an Order of Possession, a monetary order for unpaid rent, money owed for loss under the Act, and to recover the filing fee from the Tenant for the cost of the application.

Background and evidence

The parties agreed to the following facts:

- The Landlord mailed the Tenant the 10 Day Notice to End Tenancy, by registered mail, on December 16, 2008.

- The Landlord mailed the Tenant the Application for Dispute Resolution and Hearing package, by registered mail, on January 27, 2009.
- Rent for the rental unit is \$1,100.00 per month, due on the first of the month. The Tenant is in arrears of rent for the month of January, 2008 in the amount of \$600.00. The Tenant is in arrears of rent for the months of February, 2008 to December, 2008 in the amount of \$12,100.00. The Tenant remains in the rental unit and has not paid rent for the months of January to March, 2009 in the amount of 3,300.00.

Analysis

Pursuant to Section 90 of the Act, the 10 Day Notice to End Tenancy is deemed to have been received by the Tenant on December 19, 2008. Therefore the effective date of the end of tenancy is December 29, 2008.

Based on the testimony of both parties, the Landlord is entitled to an Order of Possession and I make that order.

The Landlord is successful in his application and is entitled to recover the filing fee for the cost of the application from the Tenant.

The Landlord is entitled to a monetary order in the amount of \$16,100.00, calculated as follows:

Arrears in rent for the months of January, 2008	\$600.00
Arrears in rent for the months of February to December, 2008	\$12,100.00
Landlord's loss of rent for the months of January to March, 2009	\$3,300.00
Recovery of the filing fee for this application	<u>\$100.00</u>
TOTAL	\$16,100.00
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Conclusion

I grant the Landlord a monetary order under section 67 of the Act for \$16,100.00. This order must be served on the Tenant and may be filed in the Provincial Court of British Columbia (Small Claims) and enforced as an order of that Court.

Under section 55 of the Act, and based on the above facts I find that the Landlord is entitled to an Order of Possession and I hereby issue the order effective two days from service of the order. This order must be served on the Tenant and may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

March 6, 2009
