



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing dealt with the landlord's request for an Order of Possession for unpaid rent, a Monetary Order for unpaid rent, loss of rent, and recovery of the filing fee. The female tenant appeared at the hearing. The landlord provided evidence that the landlord served both tenants with notification of today's hearing by registered mail. Having been satisfied that the landlord adequately served both tenants in accordance with the requirements of the Act, this decision and accompanying Orders name both tenants.

As preliminary matters, the landlord corrected the landlord's address that appears on the application. The tenant testified her last name has changed since being married and this decision and accompanying orders reflect the female tenant's married name.

Issues(s) to be Decided

1. Has the landlord established an entitlement to an Order of Possession?
2. Has the landlord established an entitlement to a Monetary Order, and if so, the amount?
3. Award of the filing fee.

Background and Evidence

Upon hearing undisputed testimony of both parties, I make the following findings. The tenancy commenced March 1, 2006. The tenants are required to pay rent of \$1,050.00 on the 1st day of every month. On March 1, 2009 the tenants failed to pay rent. The landlord posted a *10 Day Notice to End Tenancy for Unpaid Rent* (the Notice) on the rental unit door on March 27, 2009. The Notice has an effective date of April 10, 2009.



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The tenants paid \$600.00 towards the rental arrears on March 27, 2009 and have not paid anything since then.

Both parties agreed that as of today's date, the landlord has not been paid the following amounts:

March 2009 rent	\$ 450.00
April 2009 rent	1,050.00
May 2009 loss of rent	1,050.00
June 2009 loss of rent	<u>1,050.00</u>
Total	\$ 3,600.00

The parties have reached an agreement for the tenants to pay the outstanding rent by June 30, 2009 and if the tenants pay the outstanding rent, the tenancy shall be re-instated. The landlord requested an Order of Possession and Monetary Order in the event the tenants do not pay the outstanding rent by June 30, 2009. The landlord recognized that the rent may be mailed and is willing to accept payment of the rental arrears up until July 3, 2009.

Analysis

Where a tenant does not dispute a 10 Day Notice to End Tenancy or pay the outstanding rent within five days of receiving the Notice, the tenant is conclusively presumed to have accepted that the tenancy will end and the tenant will have to vacate the rental unit by the effective date. The tenants did not dispute the Notice or pay all of the outstanding rent within five days of receiving the Notice.

Upon review of the evidence before me, I am satisfied that the tenancy ended on April 10, 2009 and since the tenants continue to reside in the rental unit the landlord is entitled to an Order of Possession. With this decision I provide the landlord with an



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Order of Possession effective two days after service of the Order of Possession upon the tenants. In recognition of the mutual agreement reached between the parties, the Order of Possession may not be served upon the tenants if the tenants pay \$3,600.00 in rental arrears for March through June 2009 by July 3, 2009. The Order of Possession may be filed in The Supreme Court of British Columbia to enforce as an Order of that court.

I am satisfied that the landlord is entitled to a Monetary Order for unpaid rent and loss of rent for the period of March 2009 through June 2009 in the amount of \$3,600.00. I also award the filing fee to the landlord. The landlord is provided with a Monetary Order in the total amount of \$3,650.00 to serve upon the tenants. The Monetary Order may be filed in Provincial Court (Small Claims) to enforce as an Order of that court.

Conclusion

The landlord has been provided an Order of Possession effective two days after service upon the tenants. The landlord may not serve the Order of Possession if the tenants pay the rental arrears of \$3,600.00 by July 3, 2009.

The landlord has been provided a Monetary Order for unpaid rent and recovery of the filing fee in the total amount of \$3,650.00.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: June 02, 2009.

Dispute Resolution Officer