

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, MNSD

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession and a monetary order for unpaid rent. The landlord also applied to retain the security deposit in partial satisfaction of his claim.

The notice of hearing dated May 21, 2009 was served on the tenant on May 26, 2009, by registered mail. The landlord provided the tracking number. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

At the start of the hearing, the landlord requested that his application be amended to include the filing fee. He also withdrew his application to retain the security deposit as he did not have adequate information regarding the amount and the date that it was paid.

Issues to be decided

Is the landlord entitled to an order of possession? Is the landlord entitled to a monetary order to recover unpaid rent and the filing fee?

Background and Evidence

The landlord testified that the tenant paid partial rent for March and April and failed to pay rent for May and July. The tenant now owes the landlord a total of \$1360.00.

On May 02, 2009, the landlord served the tenant with a ten day notice to end tenancy for unpaid rent, by posting it on his front door. As of the date of the hearing, the tenant was in occupation of the rental unit.

The landlord applied for an order of possession effective two days after service on the tenant and a monetary order for rent (\$1360.00) and the filing fee (\$50.00).

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 May 02, 2009 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 \$1,360.00 for unpaid rent and \$50.00 for the filing fee. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the amount of \$1410.00. 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 for **\$1410.00**.

Dated July 07, 2009.

Dispute Resolution Officer