

# 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, FF

### **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 and the filing fee.

The notice of hearing dated June 11, 2009 was served on the tenant on June 15, 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.

### **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 tenancy started on April 01, 2009 for a fixed term of one year. The rent is \$3,300.00 payable on the first of each month. The tenant did not pay the security deposit, despite several reminders to do so. On May 01, 2009 the tenant failed to pay rent for May and on May 28, 2009 the landlord served the tenant with a notice to end tenancy, by registered mail. The landlord provided a tracking number.

The tenant did not pay rent, but continued to occupy the rental unit and now owes the landlord rent for May, June and July 2009 in the amount of \$9,900.00.

The landlord has applied for an order of possession effective two days after service on the tenant and a monetary order for unpaid rent (\$9,900.00) plus the filing fee of (\$100.00).

### **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 28, 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 \$9,900.00 for unpaid rent and \$100.00 for the filing fee. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the amount of \$10,000.00. 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 **\$10,000.00**.

Dated July 21, 2009.

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Dispute Resolution Officer