



# 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 an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession and for a monetary order for unpaid rent, and the filing fee. Both parties attended the hearing and were 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 June 01, 2009. The monthly rent is \$700.00 due in advance on the first of each month. The landlord stated that the tenant owed \$100.00 from November and also failed to pay rent for January 2010. On January 01, 2010, the landlord served the tenant with a ten day notice to end tenancy. The tenant agreed that he owed a total of \$800.00 in unpaid rent. During the hearing the tenant informed me that he planned to move out on February 01, 2010. The landlord agreed to allow the tenancy to continue till February 01, 2010.

The landlord is applying for an order of possession effective February 01, 2010 and a monetary order in the amount of \$800.00 for unpaid rent and \$50.00 for the filing fee.

### **Analysis**

Based on the sworn testimony of the both parties, I accept the landlord's evidence in respect of the claim.

The tenant received the notice to end tenancy for unpaid rent, on January 01, 2010 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 February 01, 2010. The Order may be filed in the Supreme Court for enforcement.

I also find that the landlord is entitled to \$850.00 for unpaid rent and the filing fee. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for this amount. 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 on or before **1:00 p.m. on February 01, 2010** and a monetary order for **\$850.00**.

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: January 18, 2010.

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Dispute Resolution Officer