



# 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 for Dispute Resolution by the landlords to obtain an Order of Possession, a Monetary Order for unpaid rent and an Order to recover the filing fee.

Service of the hearing documents, by the landlords to the tenant, was done in accordance with section 89 of the *Act*, given in person to the tenant with a witness on December 15, 2009. The tenant is deemed to have been served the hearing documents on the same day.

The landlords appeared, gave testimony, were provided the opportunity to present their evidence orally, in writing, and in documentary form. There was no appearance for the tenant, despite being served notice of this hearing in accordance with the *Residential Tenancy Act*. All of the testimony and documentary evidence was carefully considered.

### Issues(s) to be Decided

- Is the landlord is entitled to an Order of Possession?
- Is the landlord entitled to a Monetary Order to recover unpaid rent?
- Is the landlord is entitled to recover the filing fee paid for this application?

### Background and Evidence

This tenancy started on June 15, 2007. Rent is \$550.00 per month which includes utilities and is due on the 1<sup>st</sup> of each month in advance. The tenant paid a security deposit on June 16, 2007 of \$260.00.



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The tenant did not pay his rent in December, 2009 when it was due. A 10 Day Notice to End Tenancy for unpaid rent was issued on December 06, 2009. The Notice was given to the tenant in person with a witness in attendance. The Notice states that the tenant has five days to pay the outstanding rent, apply for Dispute Resolution or the tenancy would end. The tenant paid his rent for December on December 17, 2009 and this was accepted for use and occupancy only. The tenant did not pay rent for January, 2010 and the landlord has requested a Monetary Order to recover the amount of outstanding rent of \$550.00. The landlord also seeks an Order of Possession to take effect as soon as possible.

## Analysis

The tenant has not appeared at the hearing despite having been sent a Notice of the hearing; I find the landlord is entitled to recover rent arrears for January, 2010 to an amount of \$550.00 pursuant to s. 67 of the *Act*. I also find the landlords are entitled to recover the \$50.00 filing fee paid for this application from the tenant pursuant to s. 72(1) of the *Act*.

The landlords will receive a monetary order for the balance owing as follows:

Outstanding rent for January, 2010	\$550.00
Total amount due to the landlord	<b>\$600.00</b>

I accept that the tenant was served the 10 Day Notice to End Tenancy for unpaid rent, pursuant to section 88 of the *Residential Tenancy Act*. The Notice states that the tenant had five days to pay the rent or apply for Dispute Resolution or the tenancy would end. The tenant did not pay the outstanding rent within five days nor apply to dispute the Notice to End Tenancy within five days.

Based on the foregoing, I find that the tenant is conclusively presumed, under section 46(5) of the *Act*, to have accepted that the tenancy ended on the date of the Notice and grant the landlords an order of possession.

## Conclusion



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I HEREBY FIND in favor of the landlord's monetary claim. A copy of the landlord's decision will be accompanied by a Monetary Order for **\$600.00**. The order must be served on the tenant and is enforceable through the Provincial Court as an order of that Court.

I HEREBY ISSUE an Order of Possession in favour of the landlords effective **two days** after service on the tenant. This order must be served on the tenant and may be filed in the Supreme Court and enforced as an order of that Court.

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 22, 2010.

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Dispute Resolution Officer