

## **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 November 01, 2007. The rent is subsidized and is geared according to the tenant's income. The tenant failed to provide supporting documentation for the calculation of her rent and therefore the subsidy did not apply and the tenant was required to pay full rent. The tenant failed to pay full rent for May and on May 10, 2010, the landlord served the tenant with a ten day notice to end tenancy. The tenant agreed that she owed rent for May, June and July for a total of \$4,368.00 which does not include the subsidy. During the hearing the landlord agreed to negotiate the rent upon receipt of the required financial information from the tenant. The landlord also agreed to waive his request for the filing fee.

The landlord is applying for an order of possession effective July 31, 2010 and a monetary order in the amount of \$4,368.00 for unpaid rent. The landlord indicated to the tenant that he was willing to meet with the tenant to negotiate both the reinstatement of the tenancy and the amount owed by the tenant.

### **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 May 10, 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 July 31, 2010. The Order may be filed in the Supreme Court for enforcement.

I also find that the landlord is entitled to \$4,368.00 for unpaid rent. 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 July 31, 2010** and a monetary order for **\$4,368.00**.

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: July 21, 2010.

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Dispute Resolution Officer