

## **DECISION**

**Dispute Codes:** OPR, CNR, MNR, CNC

### **Introduction.**

This hearing dealt with applications by the landlord and the tenant, pursuant to the *Residential Tenancy Act*. The landlord applied for an order of possession and for a monetary order for unpaid rent. The tenant applied for an order to cancel the notice to end tenancy. During the hearing, the landlord requested that her application for dispute resolution be amended to include the recovery of the filing fee.

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 for unpaid rent and the filing fee?

### **Background and Evidence**

The landlord and tenant entered into a tenancy agreement on January 01, 2010. The monthly rent is \$600.00 payable on the first of the month.

The tenant failed to pay full rent for June 2010. On June 02, 2010, the landlord served the tenant with a ten day notice to end tenancy. The tenant owed \$300.00 for June.

The tenant failed to pay this amount and has also not paid rent for July 2010 and continues to occupy the rental unit. The landlord has applied for an order of possession effective two days after service on the tenant and for a monetary order for the outstanding rent for June and July in the amount of \$900.00 plus the filing fee of \$50.00.

### **Analysis**

Based on the undisputed sworn testimony of the landlord, I accept her evidence in respect of the claim. Pursuant to section 46 (4) of the *Residential Tenancy Act* within five days after receiving the notice to end tenancy, the tenant may pay the overdue rent

or dispute the notice by making application for dispute resolution.

If the tenant does not pay rent or dispute the notice, the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice and must vacate the rental unit, by that date.

The tenant received the notice to end tenancy on June 02, 2010 and did not pay overdue rent within five days of receiving the notice. The tenant applied to dispute the notice but did not attend the hearing. Therefore, the notice is upheld and pursuant to section 55(2) I am issuing a formal order of possession effective two days after service on the tenant. This Order may be filed in the Supreme Court for enforcement.

In the absence of evidence to the contrary, I find that the landlord has established a claim of \$900.00 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 \$950.00. 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. I also grant the landlord a monetary order in the amount of **\$950.00**.

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 26, 2010.

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Dispute Resolution Officer