



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 a monetary order for unpaid rent. At the start of the hearing, the landlord requested that her application be amended to include a monetary order for the recovery of the filing fee.

The landlord served the notice of hearing on the tenant in person on July 05, 2010. 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 landlord testified that the tenancy started on August 15, 2009. The monthly rent is \$1,100.00 due in advance on the first of each month. Right from the start of the tenancy, the tenant was late on rent and paid in instalments. The landlord had a written ledger with dates and amounts of payment. The tenant failed to catch up on rent and on July 05 the landlord served the tenant with a ten day notice to end tenancy. The tenant also failed to pay full rent for August 2010 and continues to occupy the rental unit.

The landlord has applied for an order of possession effective two days after serving it on the tenant and for a monetary order in the amount of \$3,830.00 which consists of unpaid rent. The landlord has also applied for the filing fee of \$50.00.

The landlord stated that at the time of the hearing, the tenant owed the following rent:

1.	September 2009	\$400.00
2.	October 2009	\$100.00
3.	January 2010	\$370.00
4.	February 2010	\$190.00
5.	March 2010	\$400.00
6.	April 2010	\$150.00
7.	May 2010	\$500.00
8.	June 2010	\$700.00
9.	July 2010	\$800.00
10.	August 2010	\$220.00
	Total	\$3,830.00

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 July 05, 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 two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

I also find that the landlord has established a claim of \$3,830.00 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 \$3,880.00. 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 in the amount of **\$3,880.00**.

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: August 25, 2010.

Dispute Resolution Officer