



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 to obtain an order of possession for unpaid rent, a monetary order for unpaid rent and recovery of the filing fee. Both parties participated in the conference call hearing.

Issues to be Decided

Is the landlord entitled to any of the above under the Act.

Summary of Background and Evidence

This tenancy started on May 1, 2009 with current monthly rent of \$1099.00, the tenant paid a security deposit of \$447.50. On October 5, 2010 the landlord served the tenant with a Notice to End Tenancy for Unpaid Rent.

The landlord's agent testified that the tenant has paid September's rent but has not paid rent for October or November and with rent and late fees the tenant currently owes the landlord \$2248.00. The landlord's agent also stated that the tenant has an extensive history of paying his rent late. As the tenant still occupies the rental unit the landlord is requesting an order of possession. To allow the tenant time to move the landlord has requested that the order of possession be for 1:00PM November 27, 2010. During the hearing the landlord's agent asked the tenant to be available for a move out inspection at 1:00PM November 27, 2010.

The tenant testified that yes he did owe the landlord rent and he understand that paying the rent was his responsibility. The tenant understood that the landlord was being issued an order of possession and that he will be required to vacate the rental unit by 1:00PM November 27, 2010. It was clarified for the tenant that he is still responsible for leaving the rental unit in acceptable condition and that he needed to be present, per the landlord agent's request, for the move out inspection at 1:00PM November 27, 2010.



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Analysis

Based on the documentary evidence and testimony I find that the tenant was properly served with a notice to end tenancy for non-payment of rent. The tenant did not pay the outstanding rent within 5 days of receiving the notice and did not apply for dispute resolution to dispute the notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. Based on the above facts I find that the landlord is entitled to an order of possession.

As for the monetary order, I find that the landlord has established a claim for \$2248.00 in unpaid rent and damages. The landlord is also entitled to recovery of the \$50.00 filing fee.

Conclusion

I grant an Order of Possession to the landlord effective **1:00PM, November 27, 2010**. The tenant must be served with this Order of Possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

I find that the landlord has established a monetary claim for \$2248.00. The landlord is also entitled to recovery of the \$50.00 filing fee.

Pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the landlord in the amount of **\$1850.50**. If the amount is not paid by the tenant, the order may be filed in the Provincial (Small Claims) Court of British Columbia and enforced as an order of that court. ($\$2248.00 + \$50.00 = \$2298.00 - \$447.50 = \$1850.50$)

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: November 10, 2010

Dispute Resolution Officer