



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 landlord seeking an Order of Possession and a monetary Order due to the tenant's failure to pay rent.

Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross examine the other party, and make submissions to me.

Issues(s) to be Decided

Has the tenant breached the tenancy agreement, *Act* or regulations entitling the landlord to an Order of Possession and monetary relief?

Background and Evidence

The landlord testified that the tenant was served with the notice to end tenancy when it was served in person on September 20, 2010 to an adult residing at the rental unit. The tenant confirmed that the notice was served. The landlord testified that the tenant had failed to pay the rent owed for August, September and October 2010 for the sum of \$975.00.

The landlord provided a copy of the 10 day Notice to End Tenancy due to Unpaid Rent which declares that the tenant failed to pay the rent owed of \$650.00 for August and September 2010. The notice declares that the tenant must vacate the rental unit by September 30, 2010 unless the tenant pays the outstanding rent owed or has filed an application for Dispute Resolution to dispute the notice within five days of receiving the notice.

The landlord testified that the tenant has also failed to pay the rent owed of \$325.00 due on November 1, 2010 for a total of \$1,300.00 in outstanding rent.

The landlord also seeks the recovery of the \$50.00 filing fee paid for this application.

Analysis

Based on the evidence provided by the landlord I find that the tenant has failed to pay the rent owed of \$1,300.00 for August, September, October and November 2010 as required by the tenancy agreement. I find that the tenant was served with a 10 day Notice to End Tenancy due to Unpaid rent and that the tenant failed to either pay the outstanding rent or to file an application for Dispute Resolution to dispute the notice in the five days provided by section 46(4) of the *Act*.

Pursuant to section 46(5) of the *Act*, I find that the tenant has conclusively accepted the end of the tenancy agreement effective September 30, 2010 and on this basis I grant the landlord's application seeking an Order of Possession for the rental unit.

I am satisfied by the evidence provided by the landlord that the tenant failed to pay rent owed for the sum of \$1,300.00 for the months of August, September, October and November 2010. I grant the landlord's request to recovery the \$50.00 filing fee paid by the landlord for this application from the tenant. As a result, I find that the landlord has established a total monetary claim for the sum of \$1,350.00.

I grant the landlord a monetary Order for the remaining sum of **\$1,350.00** pursuant to section 67 of the *Act*.

Conclusion

I find that the landlord is entitled to an Order of Possession of the rental unit effective **two (2) days** after it has been served upon the tenant. This Order may be filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

I find that the landlord has established a monetary claim due to breach of the tenancy agreement by the tenant for the sum of **\$1,350.00**. This Order must be served on the tenant. This Order may be filed with the Province of British Columbia Small Claims 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: November 12, 2010.

Dispute Resolution Officer