



Dispute Resolution Services

Page: 1

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 and the filing fee. The landlord served the notice of hearing on the tenant by registered mail on November 25, 2010. The landlord filed a tracking number. 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 September 01, 2010. The monthly rent is \$815.00.00 due in advance on the first of each month and does not include the cost of hydro. The written tenancy agreement contains a clause regarding a \$25.00 charge for NSF cheques.

The tenant failed to pay rent for November and on November 02, 2010; the landlord served the tenant with a ten day notice to end tenancy. The tenant also failed to pay rent for December 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 \$1,802.64 which consists of the following:

1.	Rent for November 2010	\$815.00
2.	Rent for December 2010	\$815.00
3.	Utilities	\$72.64
4.	NSF charges for two months	\$50.00
5.	Filing fee	\$50.00
	Total	\$1,802.64

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 November 02, 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. 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 \$1,802.64. 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 two days after service on the tenant and a monetary order in the amount of **\$1,802.64**

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: December 13, 2010.

Dispute Resolution Officer