



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing dealt with an application by the landlord for 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.

Issue(s) to be Decided

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

Summary of Background and Evidence

On March 3, 2011 the landlord served the tenant with a 10 day Notice to End Tenancy for Unpaid Rent.

The landlord testified that the tenant has not paid the rent or late fees for March or April 2011 and currently owes the landlord \$1700.00. The landlord stated that the tenant had agreed to vacate by April 15, 2011. The landlord stated that there should also be an outstanding amount for unpaid parking however a fee for parking was not specified on the written tenancy agreement. The landlord in this application is seeking a monetary order for \$1700.00 in unpaid rent and late fees and an order of possession for unpaid rent.

The tenant testified that he is in agreement with the amount of \$1700.00 owed the landlord for March and April 2011. The tenant is in the process of vacating the rental unit and will be finished moving out by April 15, 2011. The tenant advised the landlord that he now had all the money owed to the landlord and the parties agreed to meet April 15th at 1:30PM to do a move-out inspection, return keys and pay the money owed.

The landlord offered to allow the tenant to stay until the end of the month if the rent was paid in full however the tenant declined the landlord's offer.

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.

I find that the landlord has established a claim for \$1700 in unpaid rent and late fees.

The landlord is entitled to recovery of the \$50.00 filing fee.

Conclusion

I hereby grant the landlord an **Order of Possession**, effective **2 days** after service of the Order upon the tenants. This Order must be served on the tenants and 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 \$1700.00 in unpaid rent and late fees. The landlord is also entitled to recovery of the \$50.00 filing fee.

A monetary order in the amount of **\$1750.00** has been issued to the landlord and a copy of it must be served on the tenant. 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.

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: April 14, 2010

Residential Tenancy Branch