



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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 notice of hearing was served on the tenant on June 30, 2011, by registered mail. The landlord provided 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 tenancy started on July 01, 2006. The landlord subsidizes rent and the tenant's portion of rent is \$629.00, due on the first of each month. Prior to moving in the tenant paid a security deposit of \$472.50. The tenant failed to pay rent for June and on June 13, 2011; the landlord served the tenant with a notice to end tenancy with an effective date of June 23, 2011.

On July 11, 2011, the tenant paid \$2,000.00 towards rent and the landlord gave her a receipt that stated that the amount was accepted for use and occupancy only.

The landlord has applied for an order of possession effective July 31, 2011 and for the recovery of the filing fee.

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 June 13, 2011 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 on or before 1:00 p.m. on July 31, 2011. The Order may be filed in the Supreme Court for enforcement.

I also find that the landlord is entitled to the recovery of the filing fee of \$50.00. Since the tenancy is ending, I authorize the landlord to retain this amount from the security deposit.

Conclusion

I grant the landlord an order of possession effective on or before 1:00 p.m. on July 31, 2011. The landlord may retain \$50.00 from the security deposit.

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: July 28, 2011.

Residential Tenancy Branch