



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 was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order of Possession - Section 55;
2. A Monetary Order for unpaid rent - Section 67; and
3. An Order to recover the filing fee for this application - Section 72.

I accept the Landlord’s evidence that the Tenant was served with the application for dispute resolution and notice of hearing by personal service in accordance with Section 89 of the Act. The Tenant did not participate in the conference call hearing.

The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the notice to end tenancy valid?

Is the Landlord entitled to an Order of Possession?

Is the Landlord entitled to the monetary amounts claimed?

Background and Evidence

The tenancy began on October 1, 2009. Rent in the amount of \$1,200.00 is payable in advance on the first day of each month. The Tenant failed to pay rent for the month of July 2011 and on July 2, 2011 the Landlord served the Tenant with a notice to end tenancy for non-payment of rent by personally serving it on the Tenant. At the time of the Notice being served, the Tenant was in arrears, including July rent arrears, in the

amount of \$7,300.00. On approximately July 15, 2011, the Tenant paid the amount of \$3,600.00 towards the arrears and promised to pay the remainder by the end of September 2011. In consideration for paying the arrears and agreeing to a repayment schedule for the remaining arrears, the Landlord cancelled the Notice and the tenancy continues. The Tenant did not file an application to dispute the Notice. The quantum of the Landlord's claim is \$3,700.00.

Analysis

Based on the Landlord's evidence, I find that the Tenant has paid partial arrears, the tenancy continues and the Landlord is entitled to a monetary amount of \$3,700.00 representing the remaining arrears owing for rent by the Tenant. The Landlord is entitled to recovery of the \$100.00 filing fee, for a total entitlement of **\$3,800.00**.

Conclusion

I grant the Landlord an order under Section 67 of the Act for the amount of **\$3,800.00**. If necessary, this order may be filed in the 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: August 08, 2011.

Residential Tenancy Branch