

DECISION

Dispute Codes: OPR, MNR, MNSD, FF

Introduction

This hearing was convened in response to applications filed by both the tenant and the landlord. The tenant seeks:

1. To cancel a Notice to End Tenancy given for unpaid rent.

The landlord seeks:

1. A monetary order pursuant to Section 67;
2. An Order of Possession pursuant to Section 55; and
3. An Order to recover the filing fee pursuant to Section 72.

The tenant did not appear. I accept the evidence of the landlord that the tenant was duly served with the Notice to End Tenancy and the Application for Dispute Resolution hearing package both served by way of personal service.

As the tenant did not appear to make submissions on her application, her application is dismissed.

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

On the basis of the solemnly sworn evidence presented at the hearing a decision has been reached.

Issue(s) to be Decided

Whether the landlord has cause to end this tenancy and receive an Order of Possession and whether the landlord is entitled to monetary order for unpaid rent and recovery of the filing fee.

Background and Findings

Order of Possession

I find that the landlord is entitled to an Order for Possession. There is outstanding rent. The tenant has not made 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.

Monetary Order

Rental Arrears

Based on the undisputed evidence of the landlord I find that the landlord has met the burden of proving that there are rental arrears. I find the landlord is entitled to recovery of those arrears. I will award the landlord a monetary Order for rental arrears in the sum of \$691.00 representing rental arrears of \$345.50 for each of August and September 2011.

Filing Fees

I find that the landlord is entitled to recover the filing fees paid for this application in the sum of \$50.00

Calculation of total Monetary Award

Rental Arrears	691.00
Filing Fees for the cost of this application	50.00
Total Monetary Award	741.00

Conclusion

The landlord is provided with a formal copy of an order of possession. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

The landlord is provided with a formal copy of an order for the total monetary award as set out above. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Provincial Court of British Columbia.

Dated: September 15, 2011.

Residential Tenancy Branch