



# Dispute Resolution Services

Page: 1

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 for an order of possession for unpaid rent, a monetary order for unpaid rent and recovery 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.

### Background and Evidence

On August 8, 2011 the landlord served the tenant with a 10 day Notice to End Tenancy for Unpaid Rent, the tenant has not filed to dispute this notice.

The landlord stated that tenant has been behind in the rent for months and paying the rent in full has been an issue for over a year. The landlord stated that the tenant currently owes the landlord \$5520.00 in unpaid rent which is comprised of 4\$230.00 for February 2011 and \$933.00 per month for March through August 2011.

The landlord stated that the tenant did pay the September 2011 rent in full and was provided with a receipt that states 'for use and occupancy only'.

The tenant testified that she did owe the landlord the unpaid rent and questioned a cheque for \$660.00 from early 2010 that had been NSF but was then cashed. The landlord stated that all of the rent payments have been noted on the balance sheet that was submitted into evidence and the amount of \$5520.00 is correct.

As the tenant remains in the rental unit the landlord has requested an order of possession effective 2 days after service upon the tenant. The tenant requested 2 months to find alternate housing however the landlord declined to continue the tenancy citing the on-going issue with getting the rent paid in full and on time.

### 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 and a monetary order for unpaid rent.

Accordingly I find that the landlord is entitled to a monetary order for \$5520.00.

As the landlord has been successful in their application 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 \$5520.00 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee. I grant the landlord a monetary order under section 67 for the amount of **\$5570.00**.

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: September 30, 2011.

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Residential Tenancy Branch