



# 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 for a monetary order for unpaid rent, and the filing fee. Both parties attended the hearing and were 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 March 01, 2011. The monthly rent is \$740.00 due in advance on the first of each month. The landlord stated that the tenant's rent cheque for June was returned for insufficient funds. The landlord filed a copy of the returned cheque. On June 13, 2011, the landlord served the tenant with a ten day notice to end tenancy. The tenant did not pay rent and is currently still in occupation of the rental unit. At the time of this hearing, the tenant also owed rent for July, August and September.

The landlord is applying for an order of possession effective immediately and for a monetary order in the amount of \$2,350.00 which consists of \$2,220.00 for unpaid rent for June, July and August, \$30.00 for bank charges plus late fee for June, \$50.00 for late fees for July and August plus \$50.00 for the filing fee.

### **Analysis**

Based on the sworn testimony of the both parties, 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 two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

I also find that the landlord is entitled to \$2,200.00 for unpaid rent and \$80.00 for bank charges and late fees. Since the landlord has proven his case, he is also entitled to the filing fee of \$50.00. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the total of 2,350.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

### **Conclusion**

I grant the landlord an order of possession effective two days after service on the tenant and a monetary order for **\$2,350.00**. I dismiss the landlord's claim for rent for September 2011 with leave to reapply.

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 02, 2011.

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Residential Tenancy Branch