



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR

### Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order. Both parties participated in the conference call hearing.

### Issues to be Decided

Is the landlord entitled to an order of possession?  
Is the landlord entitled to a monetary order as claimed?

### Background and Evidence

The facts are not in dispute. The tenant is obligated to pay \$681.00 per month in rent. She did not pay rent in the months of June and July and on July 20, the landlord served her with a 10 day notice to end tenancy for unpaid rent. The tenant paid June's rent after having received the notice, but did not pay the arrears for the month of July and did not pay rent for the months of August and September.

At the hearing the tenant promised that she could pay \$681.00 within this week and could pay a further \$681.00 two weeks from now. The landlord stated that he would be willing to reinstate the tenancy if those payments were received.

### Analysis

I find that the landlord is entitled to an order of possession. I find that the tenant failed to pay rent in the months of June and July and that she received the notice to end tenancy on July 20. The tenant did not dispute the notice or pay the arrears in full within 5 days of receiving the notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. At the hearing the landlord agreed that he would not enforce the order of possession if the tenant complied with the payment plan she proposed. I grant the landlord an order of possession effective 2 days after service. This order may be filed in the Supreme Court and enforced as an order of that Court.

As for the monetary claim, the tenant acknowledged that she owes \$1,362.00 in rent. I find that the landlord is entitled to recover these arrears as well as the \$50.00 filing fee paid to bring his application. I grant the landlord a monetary order for \$1,412.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The landlord is granted an order of possession and a monetary order for \$1,412.00.

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 12, 2011

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Residential Tenancy Branch