



# 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 31, 2011 for a fixed term of one year. The monthly rent is \$850.00. The landlord agreed to allow the tenant to pay the rent in two instalments of \$425.00 each on the first and the fifteenth of each month. Through the tenancy, the tenant was repeatedly late paying rent and the landlord served the tenant with multiple notices to end tenancy. However, after every notice, the landlord agreed to give the tenant additional time to pay rent and the tenancy continued on.

The tenant failed to pay rent in October and on October 16, the landlord served the tenant with a ten day notice to end tenancy. The tenant stated that she received the notice on October 21. The tenant paid rent on October 27, 2011. The landlord informed the tenant that the tenancy was not reinstated. At the time of the hearing, the tenant owed \$425.00 for November.

The landlord is applying for an order of possession effective two days after service on the tenant and for a monetary order in the amount of \$425.00 for unpaid rent and \$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 October 16, 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 \$425.00 for unpaid rent and \$50.00 for the filing fee. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the amount of 475.00. 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 **\$475.00**.

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: November 18, 2011.

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Residential Tenancy Branch