



# 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 for Dispute Resolution by the landlord for an order of possession, a monetary order, and to recover the cost of the filing fee.

Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and make submissions to me.

### Issue(s) to be Decided

Is the landlord entitled to an order of possession for unpaid rent?

Is the landlord entitled to a monetary order?

Is the landlord entitled to recover the cost of the filing fee?

### Background and Evidence

Based on the testimony of landlord, I find that the tenant was served with a notice to end tenancy for non-payment of rent on September 13, 2011, by personal service. The notice informed the tenant that the notice would be cancelled if the rent was paid within five days. The notice also explains the tenant had five days to dispute the notice.

The tenant testified that due to her circumstances she has been late with her rent. The tenant further testified that on November 3, 2011, she dropped off a cheque to cover the October rent. She has not paid rent for November 2011.

The tenant testified that she still owes money for unpaid rent, and she said the original rent cheque for August, 2011, went missing, and that a new cheque will be issued to the landlord, on November 23, 2011, from the Ministry of Social Services.

The landlord testified that rent has not been paid for August 2011 and October 2011, that there is a balance of \$2,330.00 outstanding, and he has not received any cheque for October 2011, as of today's date.

The landlord testified that he was willing to waive the late fees that have accumulated on her account in the amount of \$225.00.

### Analysis

Based on the above, the testimony, and evidence, and on a balance of probabilities, I find as follows:

The tenant has not paid the outstanding rent and did not apply to dispute the notice and is therefore conclusively presumed under section 46(5) of the Act to have accepted that the tenancy ended on the effective date of the notice.

I find that the landlord is entitled to an order of possession for unpaid rent.

I find that the landlord is entitled to a monetary order for unpaid rent in the amount of \$2,105.00 and as the landlord has been successful with his application, I grant the recovery of the filing fee in the amount of \$50.00

### Conclusion

I find that the landlord is entitled to an order of possession effective **two days after service** on the tenant and this order may be filed in the Supreme Court and enforced as an order of that court.

I find that the landlord is entitled to a monetary order in the amount of \$2,155.00 comprised of rent owed and the \$50.00 fee paid by the landlord for this application, and I grant it in those terms.

This Order must be served on the tenant and may be filed in the Provincial Court (Small Claims) 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: November 04, 2011.

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Residential Tenancy Branch