



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** OPR, MNR, MNDC, 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.

The notice of hearing was served on the tenant on November 22, 2011, by registered mail. The landlord filed a tracking number. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was 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 November 01, 2008. The monthly rent is \$3,000.00 due in advance on the first of each month. The tenant is also required to pay a monthly charge of \$90.00 for parking. Prior to moving in the tenant paid a security deposit of \$1,500.00. The landlord filed a copy of the tenancy agreement. A term in the agreement stipulates that a late fee of \$20.00 is applicable for rent paid after the first of each month.

The landlord testified that the tenant owed \$100.00 for July 2011 and failed to pay rent for November 2011. On November 02, 2011, the landlord served the tenant with a ten day notice to end tenancy. The tenant further failed to pay rent for December 2011. At the time of the hearing, the tenant owed rent in the amount of \$100.00 for July, \$3,000.00 for November and \$3,000.00 for December. In addition, the tenant also owed \$90.00 for parking plus \$20 for late fees for both months.

The landlord is applying for an order of possession effective two days after service on the tenant and a monetary order in the amount of \$6,420.00 which consists of outstanding rent (\$6,100.00), parking charges for two months (\$180.00), late fees for two months (\$40.00) and the filing fee (\$100.00).

**Analysis**

Based on the sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim. The tenant received the notice to end tenancy for unpaid rent, on November 02, 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 find that the landlord is entitled to her monetary claim. Since the landlord has proven her case, she is also entitled to the recovery of the filing fee of \$100.00. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the amount of \$6,420.00. 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 in the amount of **\$6,420.00**.

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: December 06, 2011.

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Residential Tenancy Branch