



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for orders as follows:

1. A monetary order pursuant to Section 67; and
2. An Order of Possession pursuant to Section 55; and

Both parties appeared at the hearing of this matter. The tenant acknowledged receiving the 10 day Notice to end Tenancy on October 24 , 2011.

On the basis of the solemnly sworn evidence presented at the hearing a decision has been reached.

Issue(s) to be Decided

Whether the landlord has cause to end this tenancy and receive an Order of Possession and whether the landlord is entitled to monetary order for unpaid rent and recovery of the filing fee.

Background and Findings

Order of Possession

The landlord supplied copies of cheques issued by the tenant for the security deposit of \$1,000.00 and rent for September and October 2011 each in the sum of \$2,000.00 which were dishonoured by the tenant's bank due to insufficient funds. The landlord testified that the tenant promised to attend to make good the dishonoured payments but did not do so. The tenant also issued a cheque for November's rent but asked that the landlord not cash the cheque advising that she would attend with money order which she did not do. The landlord served a 10 day Notice to End Tenancy for unpaid rent which the tenant acknowledged receiving on October 24, 2011.

The tenant did not dispute the 10 day notice to End Tenancy but says that she did make all payments in cash but the landlord refused to issue receipts. The tenant supplied no other documentary evidence to demonstrate that the payments had been made.

Based on a balance of probabilities, I find that the landlord is entitled to an Order of Possession because there is outstanding rent. Further, the tenant has not made 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.

Monetary Order

Rental Arrears

I find that there are rental arrears and I therefore grant the landlord a monetary order in the sum of \$6,000.00 representing \$2,000.00 rent for each of September, October and November 2011.

Filing Fees

I find that the landlord is entitled to recover the filing fees paid for this application.

Calculation of total Monetary Award

Rental Arrears	\$6,000.00
Filing Fees for the cost of this application	50.00
Total Monetary Award	\$6,050.00

Conclusion

The landlord is provided with a formal copy of an order of possession. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

The landlord is provided with a formal copy of an order for the total monetary award as set out above. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Provincial Court of British Columbia.

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 22, 2011.

Residential Tenancy Branch