



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, FF

### Introduction

This matter dealt with an application by the Landlord for an Order of Possession and a Monetary Order for unpaid rent and to recover the filing fee for this proceeding.

The Landlord said he served the Tenant with the Application and Notice of Hearing (the "hearing package") by posting it on the door of the Tenant's rental unit on June 16, 2012. Based on the evidence of the Landlord, I find that the Tenant was served with the Landlord's hearing package as required by s. 89 of the Act and the hearing proceeded in the Tenant's absence.

### Issues(s) to be Decided

1. Does the Landlord have grounds to end the tenancy?
2. Are there rent arrears and if so, how much?
3. Is the Landlord entitled to compensation for unpaid rent and if so how much?

### Background and Evidence

This tenancy started on July 1, 2011 as a month to month tenancy. Rent is \$675.00 per month payable in advance of the 1<sup>st</sup> day of each month. The Tenant paid a security deposit of \$337.50 in July, 2011.

The Landlord said that the Tenant did not pay \$675.00 of rent for June, 2012 when it was due and as a result, on June 2, 2012 they posted a 10 day Notice to End Tenancy for Unpaid Rent or Utilities dated June 2, 2012 on the door of the Tenant's rental unit.

The Landlord further indicated that the Tenant is living at the rental unit and the Tenant and the Landlord had a previous Dispute Resolution Hearing in which they agreed to end the tenancy on June 30, 2012. The Landlord requested an Order of Possession for June 30, 2012, because the Tenant has not paid the June, 2012 rent.

The Landlord also sought to recover the \$50.00 filing fee for this proceeding.



# Dispute Resolution Services

Page: 2

Residential Tenancy Branch  
Office of Housing and Construction Standards

## Analysis

Section 46(4) of the Act states that **within 5 days of receiving** a Notice to End Tenancy for Unpaid Rent or Utilities, a Tenant must pay the overdue rent or apply for dispute resolution. If the Tenant fails to do either of these things, then under section 46(5) of the Act, they are conclusively presumed to have accepted that the tenancy ends on the effective date of the Notice and they must vacate the rental unit at that time.

Under s. 90 of the Act, the Tenant is deemed to have received the Notice to End Tenancy 3 days after it was posted, or on June 5, 2012. Consequently, the Tenant would have had to pay the amount stated on the Notice or apply to dispute that amount no later than June 10, 2012.

I find that the Tenant has not paid the overdue rent and has not applied for dispute resolution. Consequently, I find pursuant to s. 55(2)(b) of the Act that the Landlord is entitled to an Order of Possession to take effect no later than 1:00 p.m. June 30, 2012.

I also find that the Landlord is entitled to recover unpaid rent for June, 2012, in the amount of \$675.00.

As the Landlords have been successful in this matter, they are also entitled to recover from the Tenant the \$50.00 filing fee for this proceeding. The Landlord will receive a monetary order for the balance owing as following:

Rent arrears:	\$675.00	
Recover filing fee	\$ 50.00	
Subtotal:		\$725.00
Balance Owing		\$725.00



# Dispute Resolution Services

Page: 3

Residential Tenancy Branch  
Office of Housing and Construction Standards

## Conclusion

An Order of Possession effective June 30, 2012 at 1:00 p.m. and a Monetary Order in the amount of \$725.00 have been issued to the Landlords. A copy of the Orders must be served on the Tenant: the Order of Possession may be enforced in the Supreme Court of British Columbia and the Monetary Order may be enforced in the Provincial (Small Claims) 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*.

---

Dispute Resolution Officer