



# 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 an order of possession and for a monetary order for unpaid rent. 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?

### **Background and Evidence**

The tenancy started on May 01, 2009. The accommodation is subsidised housing and is allotted and rented based on a tenant's income and family size. At the time of the hearing, the tenant's portion of rent was \$541.00. Both parties agreed that the tenant owed \$789.00 in unpaid rent.

The landlord is applying for an order of possession effective August 01, 2012 and for a monetary order in the amount of \$789.00 for unpaid rent. The landlord also added that she would not serve the tenant with the order of possession if she paid the outstanding rent by August 01. The landlord also agreed to give the tenant up to August 16, 2012 to pay rent for August.

### **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 May 24, 2012 and did not pay full 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 on or before 1:00 pm on August 01, 2012. The Order may be filed in the Supreme Court for enforcement.

I also find that the landlord is entitled to \$789.00 for unpaid rent. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the total of 789.00. 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 on or before 1:00 pm on August 01, 2012 and a monetary order for **\$789.00**.

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: July 18, 2012.

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Residential Tenancy Branch