



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

Decision

Dispute Codes:

MNR, OPR,

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an Order of Possession based on the Notice to End Tenancy for Unpaid Rent dated June 20, 2012 and a monetary order for rent owed in the amount of \$24,500.00.

Both parties appeared at the hearing and gave evidence.

Issue(s) to be Decided

The issues to be determined based on the testimony and the evidence are:

Is the landlord entitled to an Order of Possession based on the 10-Day Notice to End Tenancy for Unpaid Rent?

Is the landlord entitled to monetary compensation for rental arrears owed?

Background and Evidence

The landlord submitted into evidence a copy of the 10-Day Notice to End Tenancy and a copy of the tenancy agreement. The landlord testified that the residence portion of the rent was \$1,000.00 per month and the tenant has never paid any rent. The commercial rent was \$200.00 per month in addition. However, that portion of the contract is not governed by the residential tenancy branch.

During the proceedings, the landlord testified that there was a previous hearing decision in which the landlord was awarded a monetary order for rent owed up to August 2011 in the amount of \$14,000.00 and an Order of Possession which was never enforced.

The tenant did not dispute that rent was owed and not paid. The tenant stated that he was in the process of moving out.

Analysis

Based on the testimony of the landlord, I find that the tenant was served with a Notice to End Tenancy for Unpaid Rent by and the tenant has not paid the arrears and did not

apply to dispute the Notice. The tenant 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. Based on the above facts I find that the landlord is entitled to an Order of Possession. The landlord requested that the effective date by July 31, 2012.

I find that the landlord has already received a monetary order for rent arrears up to August 2011 and is now entitled to be compensated for the past 11 months of unpaid rent at the rate of \$1,000.00 per month amounting to \$11,000.00 plus the \$100.00 fee paid by the landlord for this application.

Conclusion

I hereby issue an Order of Possession in favour of the landlord effective July 31, 2012. This order must be served on the Respondent and is final and binding. If necessary it may be filed in the Supreme Court and enforced as an order of that Court.

I hereby grant the Landlord an order under section 67 for \$11,100.00. This order must be served on the Respondent and is final and binding. If necessary it 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: July 17, 2012.

Residential Tenancy Branch