



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute codes      OP MNR MNSD FF

### Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order. The landlord also requested recovery of the filing fee from the tenant. Although served with the Application for Dispute Resolution and Notice of Hearing in person on July 27, 2012 the tenant did not appear.

### Issues

Is the landlord entitled to the requested orders?

### Background and Evidence

On June 3, 2012 the tenant was served with a Notice to End Tenancy for non-payment of rent. The tenant did not pay the outstanding rent and did not file an application to dispute the Notice. Subsequently, the tenant also failed to pay the rent for July and August. The monthly rent is \$1,000.00.

The landlord claims that the current amount of rent outstanding is \$3,000.00.

The landlord also claims that the tenant owes him money for utilities and internet but the landlord did not submit any documentation reflecting these charges and no mention was made of outstanding utilities on the Notice to End Tenancy.

### Analysis

The landlord has requested an order of possession and a monetary order. I shall deal with each of these requests in turn.

Order of Possession - Section 46 of the Act requires that upon receipt of a Notice to End Tenancy for non-payment of rent the tenant must, within five days, either pay the full amount of the arrears indicated on the Notice or dispute the notice by filing an Application for Dispute Resolution with the Residential Tenancy Branch. If, as in the present case, the tenant does neither of these two things, the tenant is conclusively

presumed to have accepted that the tenancy ended on the effective date of the Notice and the landlord is entitled to an order of possession.

Monetary Order – The landlord has claimed unpaid rent in the total amount of \$3,000.00. I am satisfied based on the landlord's testimony that this is indeed the amount of rent outstanding and that the tenant has failed to pay it.

With respect to the landlord's claim for utilities and internet, I am not satisfied that I have adequate information before me to make a monetary order relating to these items. I therefore dismiss this portion of the landlord's claim.

### Conclusion

I find that the landlord is entitled to an order for possession effective two days after service on the tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

I find that the landlord has established a total monetary claim of \$3,050.00 comprised of \$3,000.00 in unpaid rent and the \$50.00 fee paid by the landlord for this application. Accordingly, I order the tenant to pay to the landlord the sum of \$3,050.00. This order may be filed in the Small Claims Court 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*.