



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

*OPC, MNR, FF*

### **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 and the filing fee.

The notice of hearing was served on the tenant on August 13, 2012 by registered mail. The landlord provided a tracking number. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was 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 and the filing fee?

### **Background and Evidence**

The tenancy started on October 01, 2009. The monthly rent is \$1,225.00 due in advance on the first of each month.

The landlord testified that since the start of tenancy the tenant's rent cheques have been returned for insufficient funds, a total of 14 times. On July 24, 2012, the landlord served the tenant with a notice to end tenancy for repeatedly paying rent late. The landlord filed a copy of a ledger that supported his testimony of the late payment of rent and the outstanding rent and NSF fees.

The tenant has failed to pay rent for August and September 2012 and continues to occupy the rental unit. The tenant also did not dispute the notice to end tenancy. As per the ledger, the tenant owes \$2,729.00 in unpaid rent and NSF fees.

The landlord is applying for a monetary order for this amount and for an order of possession effective two days after service on the tenant

### **Analysis**

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim. The tenant received the notice to end tenancy for cause, on July 24, 2012 and did not make application, pursuant to Section 47 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 two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

I find that the landlord is entitled to \$2,729.00 for unpaid rent and NSF fees. Since the landlord has proven his case, he is also entitled to the recovery of the filing fee of \$50.00. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the amount of \$2,779.00. 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 two days after service on the tenant and a monetary order in the amount of **\$2,779.00**.

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: September 07, 2012.

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Residential Tenancy Branch