



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** OPR, 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 by registered mail on September 20, 2012. 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 sometime in 1988. The current monthly rent is \$675.00 due in advance on the first of each month.

On March 18, 2012, the landlord served the tenant with a notice of a rent increase of \$25.00 to be effective on July 01, 2012. The notice was on the proper form and was in compliance with the *Residential Tenancy Act*.

The tenant paid rent for July but failed to pay the additional rent of \$25.00. Despite reminders, the tenant also failed to pay the increase for August. On August 02, the landlord served the tenant with a notice to end tenancy for non payment of rent. The tenant did not dispute the notice and continued to occupy the rental unit. The tenant also failed to pay the rent increase for September. In addition the tenant did not pay any rent for October.

The landlord stated that the tenant did not pay the outstanding rent and continues to occupy the rental unit. At the time of this hearing, the tenant owed the landlord, the rent increase amount for three months plus full rent for October in the total amount of \$750.00. The landlord has applied for an order of possession effective two days after service on the tenant and for a monetary order in the amount of unpaid rent (750.00) plus the filing fee (\$50.00) for a total of \$800.00.

### **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 unpaid rent, on August 02, 2012 and did not pay 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 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 her monetary claim. Since the landlord has proven her case, she 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 \$800.00. 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 **\$800.00**.

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: October 12, 2012.

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Residential Tenancy Branch