



# Dispute Resolution Services

Page: 1

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 October 11, 2012 in person. 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 November 15, 2011. The monthly rent is \$750.00 due in advance on the fifteenth of each month. The rental unit is located in the basement of the house. The landlord lives upstairs.

The landlord testified that the tenant failed to pay full rent for August 2012 and owed \$350.00. The tenant further failed to pay rent in the amount of \$750.00 that was due on September 15, 2012. On September 19, 2012, the landlord served the tenant with a notice to end tenancy for unpaid rent.

The tenant did not dispute the notice and also did not pay the outstanding rent. The tenant continues to occupy the rental unit and as of the date of the hearing owes the landlord \$2,600.00 in unpaid rent.

The landlord is applying for a monetary order for this amount plus \$50.00 for the recovery of the filing fee. The landlord has also applied 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 on September 19, 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 \$2,600.00 for unpaid rent. 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 \$2,650.00. 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 **\$2,650.00**.

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: November 15, 2012.

---

Residential Tenancy Branch

