



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *OPC, MNR, MNDC, 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 19, 2012 by registered mail. The landlord filed a copy of the tracking slip. 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 January 01, 2011. The monthly rent is \$1,100.00 due in advance on the first of each month.

On June 25, 2012, the landlord served the tenant with a notice of rent increase in the amount of \$47.30, to be effective October 01, 2012. The three month notice was given in the approved form and in the amount set by legislation. It was also the first rent increase since the tenancy started.

The landlord testified that the tenant paid rent in the amount of \$1,100.00 on October 01 and failed to pay the rent increase. On October 06, the landlord served the tenant with a ten day notice to end tenancy for unpaid rent in the amount of the rent increase of \$47.30. The tenant did not pay the outstanding rent and did not apply to dispute the notice to end tenancy. The tenant continued to occupy the rental unit.

On November 01, the tenant paid rent in the amount of \$1,100.00 and failed to pay the amount of the rent increase. As of the date of the hearing the tenant owed \$94.60 in overdue 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 October 06, 2012, did not pay outstanding rent 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 \$94.60 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 \$144.60. 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 **\$144.60**.

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 21, 2012.

Residential Tenancy Branch

