



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

OPL, MNR, FF

### **Introduction**

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession pursuant to a notice to end tenancy for landlord's use of property and a monetary order for unpaid rent and for the filing fee.

The landlord testified that the notice of hearing was served on the tenant on May 30, 2013, in person, in the presence of a witness. 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 unpaid rent and the filing fee?

### **Background and Evidence**

The landlord testified that he purchased the property seven years ago with the tenant in occupation of the property. The monthly rent is \$1,250.00 payable on the first of each month.

The landlord stated that on March 24, 2013, the landlord served the tenant with a notice to end tenancy for landlord's use of property to be effective on May 31, 2013. The tenant did not dispute the notice. The landlord testified that the tenant did not pay rent for May or June 2013 and as of the date of the hearing, the tenant had not moved out. The landlord has applied for an order of possession effective two days after service on the tenant and for a monetary order for unpaid rent for May 2013.

### **Analysis**

Based on the undisputed testimony and documentary evidence of the landlord, I find that the tenant received the notice to end tenancy, on March 24, 2013 and did not make application, pursuant to Section 49 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 further find that the landlord is entitled to \$1,250.00 for unpaid rent for May 2013. Since the landlord has proven his case he is also entitled to the filing fee of \$50.00. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the amount of 1,300.00. 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 \$1,300.00.

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: June 25, 2013

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Residential Tenancy Branch

