



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. This hearing was initially heard on May 28, 2013 and due to problems with the receipt of evidence, it was rescheduled to be heard this date – June 26, 2013.

The notice of hearing for the first hearing was served on the tenant on May 02, 2013 by registered mail. The landlord filed proof of service. The notice of hearing for today's hearing was served to the tenant in person on June 07, 2013. Despite having been served the notices of hearing, the tenant did not attend either hearing. The landlord attended both hearings 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 in September 2011. The monthly rent is \$1,350.00 due in advance on the first of each month.

The landlord testified that the tenant failed to pay full rent for several months starting August 2012. Despite several requests and a notice to end tenancy in January 2013, the tenant did not pay rent. On April 17, 2013, the landlord served the tenant with a second ten day notice to end tenancy for non payment of rent. At that time the rent owed was \$8,550.00. The landlord filed a statement regarding the amounts owed by the tenant for the months between August 2012 and April 2013.

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 an additional \$2,700.00 for rent for May and June 2013 for a total of \$11,250.00 in unpaid rent. The landlord is applying for a monetary order for this amount plus \$100.00 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 April 17, 2013 and did not pay outstanding rent nor did the tenant 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 \$11,250.00 for unpaid rent. Since the landlord has proven his case, he is also entitled to the recovery of the filing fee of \$100.00. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the amount of \$11,350.00. 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 **\$11,350.00**. 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 26, 2013

Residential Tenancy Branch