



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** *OPR, CNR, MNR, MNDC, OLC, RR, OPT, AAT, LAT, FF*

### **Introduction**

This hearing dealt with applications by the landlord and the tenant, pursuant to the *Residential Tenancy Act*. The landlord applied for an order of possession and for a monetary order for unpaid rent and the filing fee. The tenant applied for an order to cancel the notice to end tenancy and for an order directing the landlord to comply with the *Act*, allow the tenant access to the unit and reduce the rent. The tenant also applied for an order of possession, a monetary order for loss under the *Act* and for an authorization to change the locks.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions. During the hearing, the tenant withdrew his claim for a monetary order.

### **Issues to be decided**

Is the landlord entitled to an order of possession and to a monetary order for unpaid rent? Is the tenant entitled to the remedies that he has applied for?

### **Background and Evidence**

The tenancy started on August 24, 2013. The rent is \$450.00 per month due on the first day of each month. The tenant did not pay a security deposit. The landlord stated that the tenant paid a total of \$410.00 for September and failed to pay any rent thereafter. The tenant agreed. On October 06, 2013 the landlord served the tenant with a ten day notice to end tenancy for unpaid rent. The tenant did not pay the outstanding rent. As of the date of this hearing the tenant owes \$40.00 for September and \$450.00 for each of the months of October, November and December.

### **Analysis**

The tenant received the notice to end tenancy for unpaid rent, on October 06, 2013 and did not pay rent within five days of receiving the notice to end tenancy pursuant to S 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.

Based on the sworn testimony of both parties, I accept the landlord's evidence in respect of the claim. As agreed to by the tenant, I find that the tenant owes a total of \$1,390.00 in unpaid rent. Since the landlord has proven her case, I award her the recovery of the filing fee of \$50.00 for a total of \$1,440.00.

Accordingly, I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the amount of **\$1,440.00**. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Since the notice to end tenancy is upheld and the tenancy is ending, the tenant's application for an order directing the landlord to comply with the *Act*, allow the tenant access to the unit, reduce the rent and for an authorization to change the locks is moot and accordingly dismissed.

### **Conclusion**

I grant the landlord an order of possession effective two days after service on the tenant. I also grant the landlord a monetary order in the amount of **\$1,440.00**. The tenant's application is dismissed in its entirety.

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: December 11, 2013

---

Residential Tenancy Branch

