



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 a monetary order for unpaid rent and for the recovery of the filing fee. Both parties attended the hearing and were 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 August 01, 2013. The monthly rent is \$650.00 due in advance on the first of each month. On December 02, 2013, the landlord served the tenant with a ten day notice to end tenancy for non payment of full rent that was due on December 01, 2013. The tenant made a partial payment and agreed that at the time of this hearing she owed \$450.00 in unpaid rent.

The landlord is applying for an order of possession and for a monetary order in the amount of \$450.00 for unpaid rent plus \$50.00 for the filing fee.

Analysis

Based on the sworn testimony of the both parties, I accept the landlord's evidence in respect of the claim. The tenant received the notice to end tenancy for unpaid rent, on December 02, 2013 and did not pay rent within five days of receiving the notice to end tenancy nor did the tenant make application, pursuant to Section 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.

I further find that the landlord is entitled to \$450.00 for unpaid rent. 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 500.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

The landlord agreed to refrain from serving the order of possession on the tenant and allowing the tenancy to continue, if the tenant paid all amounts owed to the landlord on or before Friday January 10, 2014.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant and a monetary order for **\$500.00**.

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: January 08, 2014

Residential Tenancy Branch