



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding British Columbia Housing Management Commission
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPR, MNR, FF

Introduction

This hearing concerns the landlord's application for an order of possession / a monetary order as compensation for unpaid rent / and recovery of the filing fee. Both parties attended and gave affirmed testimony.

Issue(s) to be Decided

Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

Pursuant to a written tenancy agreement tenancy began on July 01, 2007. Monthly rent is due and payable in advance on the first day of each month. Effective July 01, 2013, the tenant's portion of monthly rent is \$618.00.

Arising from rent which remained unpaid when due on February 01, 2014, the landlord issued a 10 day notice to end tenancy for unpaid rent dated February 19, 2014. The notice was served by way of posting on the unit door on that same date. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenant must vacate the unit is March 03, 2014. Subsequently, the tenant has made no further payment toward rent and she continues to reside in the unit.

Analysis

Based on the documentary evidence and testimony, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent dated February 19, 2014. The tenant did not pay the outstanding rent within 5 days of receiving the notice, and did not apply to dispute the notice. The tenant is therefore conclusively presumed under section 46(5) of the Act to have accepted that the tenancy ended on the effective date

of the notice. Accordingly, I find that the landlord has established entitlement to an **order of possession**. During the hearing the landlord's agent requested that the order of possession be made effective **April 30, 2014**.

As for compensation, I find that the landlord has established a claim of **\$2,559.68**:

\$37.68: *unpaid rent December 2013*
\$618.00: *unpaid rent January 2014*
\$618.00: *unpaid rent February 2014*
\$618.00: *unpaid rent March 2014*
\$618.00: *unpaid rent April 2014*
\$50.00: *filing fee*

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **Wednesday, April 30, 2014**. This order must be served on the tenant. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$2,559.68**. Should it be necessary, this order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

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: April 09, 2014

Residential Tenancy Branch

