



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 was convened in response to an application by the landlord pursuant to the *Residential Tenancy Act* (the Act) for Orders as follows:

1. An Order of Possession - Section 55;
2. A Monetary Order for unpaid rent - Section 67;
3. An Order to recover the filing fee for this application - Section 72.

Both parties attended the hearing and were given full opportunity to present all relevant evidence and testimony in respect to the dispute and to make relevant prior submission to the hearing and fully participate in the conference call hearing. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

Issue(s) to be Decided

Is the notice to end tenancy valid?

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to the monetary amounts claimed?

Background and Evidence

The tenancy began December 01, 2013. Rent in the amount of \$3000.00 is payable in advance on the first day of each month. The tenant failed to pay rent in the month of February 2014 and on March 04, 2014 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant further failed to pay rent in the month of March 2014. The tenant has made certain payments toward the rent arrears; however, the parties agree that currently there is unpaid rent inclusive of the rent for April and May 2014 in the sum of \$6000.00.

Analysis

Based on the document evidence and the testimony of both parties I find that the tenant

was served with a notice to end tenancy for non-payment of rent and I find the notice to be valid. The tenant did not apply for Dispute Resolution to dispute the notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice and the landlord sought to end the tenancy. As of this date there are arrears of \$6000.00 despite the tenant's efforts to satisfy all of the rent owed. Based on the above facts I find that the landlord is entitled to an **Order of Possession**.

I also find that the landlord has established a monetary claim for unpaid rent. The landlord is also entitled to recovery of the filing fee.

Calculation for Monetary Order

Rent arrears for April and May 2014	\$6000.00
Filing fee for the cost of this application	100.00
Total Monetary Award	\$6100.00

Conclusion

I grant an Order of Possession to the landlord effective 2 days from the day it is served on the tenant. **If** the landlord seeks to end the tenancy, the tenant must be served with this **Order of Possession**. If the landlord serves the tenant with the Order of Possession, and the tenant fails 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.

I grant the landlord an Order under Section 67 of the Act for the amount of **\$6100.00**. If necessary, this Order may be filed in the Small Claims Court and enforced as an Order of that Court.

This Decision is final and binding on both parties.

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: May 05, 2014

Residential Tenancy Branch

