



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding MIRAE INVESTMENT LTD.
and [tenant name suppressed to protect privacy]

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, late fees and 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, late fees and the filing fee?

Background and Evidence

The tenancy started on October 21, 2010. The monthly rent is \$620.00 due in advance on the first of each month.

The landlord stated that the tenant fell behind on several months of rent and on April 11, 2014, the landlord served the tenant with a ten day notice to end tenancy for a total of \$3,063.00 in unpaid rent and late fees. The tenant did not dispute the notice to end tenancy and continues to occupy the rental unit. The tenant agreed that at the time of the hearing he owed the landlord \$5,028.00 in unpaid rent and late fees.

The tenant agreed to move out on July 31, 2014. The landlord is applying for an order of possession effective this date and a monetary order in the amount of \$5,023.00 for unpaid rent plus \$50.00 for the filing fee.

Analysis

Based on the sworn testimony of 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 April 11, 2014 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 on or before 1:00 pm on July 31, 2014. The Order may be filed in the Supreme Court for enforcement.

I further find that the landlord is entitled to \$5,023.00 for unpaid rent. Since the landlord has proven her case, she 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 \$5,073.00. 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 on or before **1:00 pm on July 31, 2014** and a monetary order for **\$5,073.00**.

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: July 15, 2014

Residential Tenancy Branch

