



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *OPR, CNR, MNR, MNDC, MNSD, 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 landlord also applied to retain the security deposit. The tenant applied for an order to cancel the notice to end tenancy. 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 or should the notice to end tenancy be set aside? Is the landlord entitled to a monetary order for unpaid rent and the filing fee?

Background and Evidence

The landlord and tenant entered into a tenancy agreement on June 01, 2014. The tenant paid a security deposit of \$350.00. The rent is \$700.00 per month due on the first day of each month. The landlord stated that despite requests, the tenant did not pay a pet deposit.

The tenant agreed that she had not paid rent for June 2014 and thereafter. On August 04, 2014 the landlord served the tenant with a notice to end tenancy for \$2,450.00 in unpaid rent. The tenant disputed the notice but did not pay rent and continues to occupy the rental unit. At the time of the hearing the tenant owed rent for June to September 2014 in the amount of \$2,800.00.

The tenant stated that she was calling from the hospital and was very ill. She also stated that the reason she did not pay rent was that she was told by an information officer that she did not have to pay rent until this hearing.

Analysis

The tenant received the notice to end tenancy for unpaid rent, on August 04, 2014 and did not pay rent within five days of receiving the notice to end tenancy, 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 also find that the landlord is entitled to \$2,800.00 for unpaid rent and \$50.00 for the filing fee for a total of \$2,850.00. I order that the landlord retain the security deposit of \$350.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance due of \$2,500.00. 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 **two days after service** on the tenant. I also grant the landlord a monetary order in the amount of **\$2,500.00**

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: September 16, 2014

Residential Tenancy Branch

