



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNDC, 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 and the filing fee.

The landlord served the notice of hearing on the tenant on July 25, 2014 by registered mail and provided a tracking number. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was 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 about four years ago. The current monthly rent is \$1,110.00 due in advance on the first of each month. The rent does not include utilities

The landlord testified that the tenant failed to pay rent for May 2014. On May 02, 2014, the landlord served the tenant with a notice to end tenancy for unpaid rent in the amount of \$1,100.00. The tenant did not dispute the notice and continued to occupy the rental unit without paying rent.

In September 2014, the tenant made a total of \$1,500.00 in two installments towards unpaid rent and utilities. At the time of the hearing the landlord testified that the tenant owed rent in the amount of \$4,400 and utilities in the amount of \$1,628.19. The landlord filed proof of having served the tenant with the notice of overdue utilities and filed a copy of the bill.

The landlord is applying for a monetary order for unpaid rent (\$4,400.00), unpaid utilities (\$1,628.19) plus the filing fee (\$100.00) for a total of \$6,128.19. The landlord has also applied for an order of possession effective two days after service on the tenant.

Analysis

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim. The tenant received the notice to end tenancy on May 02, 2014 and did not pay outstanding rent 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 find that the landlord is entitled to \$4,400.00 for unpaid rent and \$1,628.19 for unpaid utilities. Since the landlord has proven his case, he is also entitled to the recovery of the filing fee of \$100.00. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the amount of \$6,128.19.00. 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 and a monetary order in the amount of **\$6,128.19**.

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 24, 2014

Residential Tenancy Branch

