



# 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 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.

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 and the filing fee?

### **Background and Evidence**

The tenancy started in on December 01, 2013. The monthly rent is \$800.00 due in advance on the first of each month and does not include utilities. On June 02, 2014, the landlord served the tenant in person with a ten day notice to end tenancy, for non payment of rent in the amount of \$1,125.00. The landlord filed a proof of service signed by his witness.

The landlord stated that the tenant owed \$325.00 for May and since then has not paid rent. The tenant stated that the landlord did not contact her for rent payment and that she did not have contact information for the landlord. Both parties agreed that a maintenance person sometimes collected rent on behalf of the landlord. The tenant received the notice of hearing with contact information for the landlord on September 09, 2014, but made no effort to contact the landlord to pay outstanding rent.

As of the date of this hearing, the tenant owed rent in the amount of \$325.00 for May 2014 plus \$4,000.00 for the months of June to October 2014.

The landlord is applying for an order of possession effective two days after service on the tenant and for a monetary order in the amount of \$4,325.00 for unpaid rent plus \$50.00 for the filing fee.

### **Analysis**

Based on the sworn testimony of the 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 June 02, 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 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 \$4,325.00 for unpaid rent. Since the landlord has proven his case he 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 the amount of 4,375.00. 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 for **\$4,375.00**.

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: October 03, 2014

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Residential Tenancy Branch

