



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNSD, 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 also applied to retain the security deposit. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

As agreed to by both parties, it was determined that the tenant did not pay a security deposit. Accordingly, the landlord's application to retain the security deposit is dismissed. Therefore, this hearing only dealt with the landlord's application for an order of possession and a monetary order for unpaid rent and the filing fee.

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 on June 01, 2014. The monthly rent is \$1,350.00 due in advance on the 10th and 20th of each month. On January 14, 2015, the landlord served the tenant with a ten day notice to end tenancy for nonpayment of rent in the amount of \$2,100.00. Both parties agreed that as of the date of this hearing, the tenant owed \$1,750.00 in unpaid rent.

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 \$1,750.00. The landlord has also applied for the recovery of the filing fee of \$50.00.

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 January 14, 2015 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 \$1,750.00. Since the landlord has proven his case, I award him the recovery of the filing fee in the amount of \$50.00. Accordingly, I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the total amount of \$1,800.00. 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 **\$1,800.00**.

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: February 26, 2015

Residential Tenancy Branch

