



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** OPR, OPL, 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.

The landlord served the notice of hearing on the tenant on February 04, 2015 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 eight years ago. The current monthly rent is \$500.00 due in advance on the first of each month.

The landlord testified that he served the tenant a notice to end tenancy for landlord's use of property on December 01, 2014 by registered mail. The notice was in the approved format and consisted of two pages. However the landlord failed to check off the reason for the notice and therefore this notice is not valid.

The landlord testified that the tenant failed to act on the notice to end tenancy for landlord's use of property and also failed to pay rent for January 01, 2015. On January 15, 2015, the landlord served the tenant with a notice to end tenancy for unpaid rent in the amount of \$500.00, by posting the notice on the tenant's front door. The tenant did not dispute the notice and continued to occupy the rental unit without paying rent.

At the time of the hearing, the tenant owed the landlord \$1,000.00 in unpaid rent.

The landlord is applying for a monetary order for this amount plus \$50.00 for the recovery of the filing fee. 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 is deemed to have received the notice to end tenancy on January 18, 2015 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 unpaid rent for January and February 2015 in the total amount of \$1,000.00. Since the landlord has proven his case, he is also entitled to the recovery of the filing fee of \$50.00. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the amount of \$1,050.00. 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 **\$1,050.00**.

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 27, 2015

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Residential Tenancy Branch

