



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding HTJH HOLDINGS  
and [tenant name suppressed to protect privacy]

## **DECISION**

**Dispute Codes:** OPR, MNR

### **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.

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?

### **Background and Evidence**

The tenancy started on October 15, 2014. The monthly rent is \$1,400.00 due in advance on the first of each month. There is no written tenancy agreement. The tenant stated that four people shared the rent and two moved out in February 2015. The tenant agreed that rent for January, February and March 2015 was not paid.

On January 31, 2015, the landlord served the tenant with a ten day notice to end tenancy. A copy of the notice was not filed into evidence. The tenant agreed that the notice was a two page notice on the approved form.

The landlord is applying for an order of possession effective two days after service on the tenant and for a monetary order for unpaid rent.

The tenant stated that he plans to move out of the rental unit and has already started the process.

### **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 31, 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 rent for January and February. Since the tenant plans to move out shortly, but has not yet handed over possession of the rental unit to the landlord, I award the landlord rent up to March 15, 2015. The landlord may find a tenant for the latter half of March and is at liberty to apply for any additional loss of income under the *Act*.

Accordingly, I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the amount of 3,500.00. 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 and a monetary order for **\$3,500.00**.

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: March 03, 2015

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Residential Tenancy Branch

