



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding SUTTON GROUP MEDALLION REALTY LTD.  
and [tenant name suppressed to protect privacy]

## **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 June 2011. The rent is \$1,750.00 due in advance on the first of each month. On February 02, 2015, the landlord served the tenant with a ten day notice to end tenancy. Both parties agreed that as of the date of this hearing, the tenant owed rent in the amount of \$5,250.00.

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 \$5,250.00 for unpaid rent.

### **Analysis**

Based on the sworn testimony of 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 February 02, 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 \$5,250.00 for unpaid rent. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for this amount. This order may be filed in the Small Claims Court and enforced as an order of that Court.

During the hearing, the landlord informed me that she would refrain from serving the order of possession on the tenant and would allow the tenancy to continue, if the tenant paid all amounts owed to the landlord pursuant to the terms of the payment plan entered into by both parties, prior to this hearing...

### **Conclusion**

I grant the landlord an order of possession effective two days after service on the tenant and a monetary order for **\$5,250.00**.

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 13, 2015

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Residential Tenancy Branch

