



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 895800 BC 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.

The tenant acknowledged receipt of evidence submitted by the landlord and stated that she had filed her evidence at the Residential Tenancy Branch office on the day before this hearing. The agent for the landlord acknowledged having received the tenant's evidence on the same day and stated that she did not have adequate time to read or respond. The tenant's evidence was not before me and accordingly the tenant's evidence was not used in the making of this decision.

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 or about September 2013. The tenant stated that she sublet to multiple sub tenants with the approval of the landlord. The monthly rent is \$1,800.00 due in advance on the first of each month.

The tenant agreed that she had not paid rent for the period of November 2014 to February 2015. She stated that she had incurred costs to repair the rental unit and that the landlord owed her an amount that was in excess of the outstanding rent.

I explained to the tenant that in regards to her claim relating to loss that she may have suffered, I was not able to hear or consider her claim during the proceeding as this hearing was convened solely to deal with the landlords' application.

On February 03, 2015, the landlord served the tenant in person with a notice to end tenancy for \$7,200.00 in unpaid rent.

The tenant did not dispute the notice and continued to occupy the rental unit without paying rent. The landlord has applied for an order of possession effective two days after service on the tenant and for a monetary order for \$7,200.00 in 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 February 03, 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 \$7,200.00 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 7,250.00. 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 **\$7,250.00**.

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 26, 2015

Residential Tenancy Branch

