



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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.

The landlord served the notice of hearing on the tenant on March 13, 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 at unit #10 started in August 2014. The monthly rent is \$900.00 due in advance on the first of each month.

The landlord testified that the tenant failed to pay rent on January 01, 2015. On February 19, 2015, the landlord served the tenant with a notice to end tenancy for unpaid rent in the amount of \$1,915 which included unpaid rent and other charges. The tenant did not dispute the notice and continued to occupy the rental unit without paying rent for March and April 2015. The landlord filed a copy of the statement of accounts related to the rent payments for this rental unit. At the time of the hearing, the tenant owed the landlord \$2,700.00 in unpaid rent for the months of January, March and April 2015.

The landlord is applying for a monetary order for this amount and 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 received the notice to end tenancy on February 19, 2015 and did not pay all outstanding rent nor did the tenant make application, pursuant to Section 46 to set aside the notice to end a residential tenancy, within five days of receipt of the notice 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 \$2,700.00 for unpaid rent. Since the landlord has proven her case, I award her 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 total amount of \$2,750.00. 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 **\$2,700.00**.

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: April 17, 2015

Residential Tenancy Branch

