



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNDC, CNR, ERP, FF

Introduction

This hearing dealt with applications by the landlord and the tenant, pursuant to the *Residential Tenancy Act*. The landlord applied for an order of possession and for a monetary order for unpaid rent and the filing fee. The tenant applied for an order to cancel a notice to end tenancy and for an order directing the landlord to carry out emergency repairs.

The notice of hearing was served on the tenant on June 03, 2015 by registered mail. The landlord provided a tracking number. Despite having been served the notice of hearing and having made application, the tenant did not attend the hearing and therefore her application is dismissed. 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 on January 15, 2015. The monthly rent is \$900.00 due on the first of each month.

The landlord testified that the tenant failed to pay rent for May 2015 and on May 19, 2015; the landlord served the tenant in person, with a ten day notice to end tenancy for \$900.00 in unpaid rent. The tenant disputed the notice in a timely manner but continued to occupy the rental unit without paying rent. At the time of the hearing the tenant owed the landlord \$900.00 for May and \$900.00 for June 2015. The landlord is applying for an order of possession effective two days after service on the tenant and a monetary order in the amount of \$1,800.00 for unpaid rent. The landlord is also applying for \$50.00 for the filing fee.

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 for unpaid rent, on May 19, 2015 and did not pay rent within five days of receiving the notice to end tenancy, 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 \$1,800.00 for unpaid rent. 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 \$1,850.00. 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 **\$1,850.00**.

The tenant's application is dismissed.

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: June 30, 2015

Residential Tenancy Branch

