



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, unpaid utilities and the filing fee.

This matter was originally heard on August 27, 2015. The tenant did not attend that hearing. The Arbitrator granted the landlord's application and issued an order of possession and a monetary order in favour of the landlord. The tenant applied for a review of the decision and was granted a review hearing.

In the review decision, dated September 08, 2015, the tenant was instructed to serve the landlord with a notice of today's hearing. The tenant did so by registered mail. Despite having been granted a review hearing and having served the notice of hearing on the landlord, 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, unpaid utilities and the filing fee?

Background and Evidence

The tenancy started on September 01, 2014. The monthly rent is \$900.00 due on the first of each month and does not include utilities.

The landlord testified that the tenant failed to pay full rent for the months of March, April and May 2015. On June 14, 2015; the landlord served the tenant with a ten day notice to end tenancy. The tenant did not dispute the notice and did not pay rent. At the time of the hearing the tenant owed the landlord \$2,000.00 up to June 2015 and \$900.00 for each of the following months from July to November 2015 for a total of \$6,500.00. The landlord also filed unpaid utility bills in the total amount of \$487.75.

The landlord is claiming unpaid rent, unpaid utilities and the filing fee, in the total amount of \$7,037.75. The landlord is also applying for an order of possession.

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 June 14, 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 find that the landlord is entitled to \$6,500.00 for unpaid rent for the months of March to November 2015. I further find that the landlord is entitled to his claim for unpaid utilities but is not entitled to his claim of two payments of \$6.85 for making payments by credit card. Accordingly the landlord is entitled to \$474.05 for unpaid utilities. Since the landlord has proven his case, he is also entitled to the filing fee of \$50.00.

The landlord has established a total claim of \$7,024.05. 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.

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 **\$7,024.05**.

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: November 12, 2015

Residential Tenancy Branch

