



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** OPL, 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 testified that he served the notice of hearing on the tenant on July 01, 2016 in person. 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 started about two and a half years ago. The monthly rent is \$700.00 due in advance on the first of each month.

On March 01, 2016, the landlord served the tenant with a two month notice to end tenancy for landlord's use of property, with an effective end date of June 30, 2016. The landlord testified that he served the notice in person to the tenant who signed the notice in acknowledgement of having received it. A copy of the signed notice was filed into evidence. The tenant did not dispute the notice and at the time of the hearing continued to occupy the rental unit.

The landlord further testified that the tenant failed to pay rent for July and August 2016. The landlord has claimed rent for two months but agreed to amend the monetary portion of his claim to rent for one month only and treat the other month's rent as compensation to the tenant pursuant to a notice to end tenancy for landlord's use of property.

The landlord has also applied 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 March 01, 2016 and did not make application, 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 \$700.00 for unpaid rent. Since the landlord has proven his case, he is also entitled to the recovery of the filing fee of \$100.00. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the amount of \$800.00. 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 **\$800.00**.

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: August 11, 2016

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Residential Tenancy Branch