



Dispute Resolution Services

Page: 1

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 July 26, 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 in January 2016. The monthly rent is \$800.00 due in advance on the first of each month.

The landlord testified that the tenant failed to pay full rent for March 2016 and owed \$200.00 for that month. The tenant was further short on rent for June in the amount of \$400.00. On June 15, 2016, the landlord served the tenant with a 10 day notice to end tenancy. The tenant did not pay the outstanding rent and also paid rent short for the month of July in the amount of \$200.00.

The landlord testified that the tenant paid full rent for August and September 2016. The total amount of unpaid rent as of the date of this hearing is \$800.00.

The landlord is applying for a monetary order for this amount plus \$100.00 for the recovery of the filing fee. The landlord has also applied for an order of possession effective on September 30, 2016.

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 June 15, 2016 and did not pay outstanding rent 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 by 1:00 pm on September 30, 2016. The order may be filed in the Supreme Court for enforcement.

I find that the landlord is entitled to \$800.00 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 \$900.00. 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 by **1:00 pm on September 30, 2016** and a monetary order in the amount of **\$900.00**.

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: September 14, 2016

Residential Tenancy Branch