



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNDC, 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.

Both parties attended the hearing and were 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 July 2015. The monthly rent is \$850.00 due in advance on the first of each month. There is no written tenancy agreement.

The landlord testified that the tenant failed to pay rent that was due on July 01 and August 01, 2016. On August 19, 2016, the landlord served the tenant with a ten day notice to end tenancy, for \$1,700.00 in unpaid rent. The tenant did not dispute the notice. The landlord testified that the tenant continued to occupy the rental unit without paying rent and as of the date of this hearing, the tenant owed a total of \$3,400.00 in unpaid rent.

The tenant denied the allegations and stated that she had paid rent and had not received receipts from the landlord despite her requests.

The landlord is applying for an order of possession effective two days after service on the tenant and for a monetary order in the amount of \$3,400.00 for unpaid rent plus \$100.00 for the filing fee.

Analysis

Based on the sworn testimony of the both parties, I find that the tenant did not provide sufficient evidence to support her claim that she had paid rent. Accordingly, I accept the landlord's evidence in respect of the claim. The tenant received the notice to end tenancy for unpaid rent, on August 19, 2016 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 also find that the landlord is entitled to \$3,400.00 for unpaid rent. Since the landlord has proven her case she is also entitled to the filing fee of \$100.00. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the amount of 3,500.00. 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 for **\$3,500.00**.

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: October 20, 2016

Residential Tenancy Branch