



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, CNR

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. The tenant applied for an order to cancel a notice to end tenancy for unpaid rent.

The notice of hearing was served on the tenant on December 21, 2016, by registered mail. The landlord filed a copy of the tracking information. Despite having been served the notice of hearing and having made application for dispute resolution, the tenant did not attend the hearing and therefore the tenant's 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?

Background and Evidence

The tenancy started on October 01, 2016 for a fixed term of 3.5 months. A copy of the tenancy agreement was filed into evidence. A term of the tenancy agreement was that the tenancy would end on January 15, 2017 and that the tenant would move out. The boxes beside this term are initialled by both parties. The current monthly rent is \$300.00 due on the first of each month.

The landlord testified that the tenant failed to pay full rent for November 2016 and owed \$150.00. The tenant further failed to pay rent that was due on December 01, 2016. On December 12, 2016, the landlord served the tenant with a ten day notice to end tenancy for \$450.00 in unpaid rent.

The tenant disputed the notice in a timely manner and continued to occupy the rental unit without paying rent. At the time of the hearing the tenant owed the landlord rent for November (\$150.00), December (\$300.00) and January 2017 (\$150.00) for a total of \$600.00 in unpaid rent. 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 \$600.00.

Analysis

Based on the undisputed sworn testimony of the landlord and in the absence of evidence to the contrary, I accept the landlord's evidence in respect of the claim. The tenant received the notice to end tenancy, on December 12, 2016 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 \$600.00 for unpaid rent. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the amount of \$600.00. 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 **\$600.00**.

The tenant's application is dismissed in its entirety.

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: January 18, 2017

Residential Tenancy Branch

