



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding 063479 BC LTD  
and [tenant name suppressed to protect privacy]

## **DECISION**

**Dispute Codes:** OPR, MNR

### **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. The landlord had initially made application by direct request which is processed by a non-participatory hearing. In an interim decision dated August 17, 2017, the adjudicator adjourned the hearing to a participatory hearing.

The landlord filed proof of having served the tenant with the notice of hearing in person on August 20, 2017. 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?

### **Background and Evidence**

The rental unit consists of two duplexes housing four self-contained suites. A copy of the tenancy agreement was filed into evidence. The monthly rent is \$4,500.00 due in advance on the first of each month.

The landlord testified that the tenant failed to pay rent for July 2017. The landlord gave the tenant an opportunity to catch up. The tenant was unable to and further failed to pay rent on August 01, 2017. On August 02, 2017; the landlord served the tenant in person, with a notice to end tenancy for unpaid rent in the amount of \$9,000.00. The tenant did not dispute the notice and continued to occupy the rental unit without paying rent.

At the time of the hearing, the tenant owed the landlord rent for the months of July, August and September 2017 in the total amount of \$13,500.00. The landlord is applying for a monetary order for this amount and 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 August 02, 2017 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 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 \$13,500.00 for unpaid rent. 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 **\$13,500.00**.

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: September 19, 2017

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Residential Tenancy Branch