



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** OPR, MNR, MNSD, 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, unpaid utilities and the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of the monetary claim.

The notice of hearing was served on the tenant on July 21, 2017, by registered mail. The landlord filed a copy of the tracking slip. 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 and a monetary order?

### **Background and Evidence**

The tenancy started on June 22, 2017. The monthly rent is \$850.00 due on the first of each month and does not include utilities. The tenant paid a deposit of \$425.00.

The landlord testified that the tenant failed to pay rent on July 01, 2017. On July 05, 2017, the landlord served the tenant with a ten day notice to end tenancy. The tenant did not dispute the notice. The landlord received partial rent for August and September 2017 from Social Services and issued receipts for use and occupancy only.

At the time of the hearing the tenant owed the landlord \$850.00, \$280.00 and \$280.00 in unpaid rent for July, August and September respectively, for a total of \$1,410.00. The landlord is also claiming utilities in the amount of 384.26 for hydro plus \$107.52 for gas. The landlord filed copies of utility bills. The landlord's total claim for unpaid rent plus utilities is \$1,901.78.

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 \$1,901.78 for unpaid rent and utilities plus \$100.00 for the filing fee. The landlord is also applying to retain the security deposit of \$425.00 in partial satisfaction of the claim.

### **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 for unpaid rent, on July 05, 2017 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 find that the landlord is entitled to her monetary claim of \$2,001.78 for unpaid rent, unpaid utilities and the filing fee. I order that the landlord retain the security of \$425.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance due of \$1,576.78. 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 **\$1,576.78**.

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 29, 2017

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Residential Tenancy Branch