



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding MAPLES APARTMENTS VANCOUVER
and [tenant name suppressed to protect privacy]

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 notice of hearing was served on the tenant on October 05, 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 landlord testified that the tenancy started on June 01, 2017 and that the monthly rent is \$1,150.00, due on the first of each month. Prior to moving in, the tenant paid a security deposit of \$575.00.

The landlord testified that the tenant failed to pay rent that was due on September 01, 2017. On September 03, 2017, the landlord served the tenant with a ten day notice to end tenancy. The tenant did not dispute the notice and made a partial payment on September 08, 2017 and paid the balance of rent owed for September on September 23, 2017. The tenant continues to occupy the rental unit and has not paid rent for October, November, and December 2017.

At the time of the hearing the tenant owed the landlord \$3,450.00 in unpaid rent for October, November and December 2017.

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 \$3,450.00 for unpaid rent plus \$100.00 for the filing fee.

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 September 03, 2017 and did not pay full 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 \$3,450.00 for unpaid rent. Since the landlord has proven his case I grant him \$100.00 for the filing fee. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the amount of \$3,550.00. 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 **\$3,550.00**.

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: December 12, 2017

Residential Tenancy Branch