



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding BEULAH GARDEN HOMES SOCIETY  
and [tenant name suppressed to protect privacy]

## **DECISION**

### **Dispute Codes:**

OPR, MNR, FF

### **Introduction**

This hearing was convened in response to an application by the landlord pursuant to the *Residential Tenancy Act* (the Act) for Orders as follows:

1. An Order of Possession - Section 55;
2. A Monetary Order for unpaid rent - Section 67;
3. An Order to recover the filing fee for this application - Section 72

Both parties participated in the hearing with their submissions, document evidence and testimony during the hearing. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

### **Issue(s) to be Decided**

Is the notice to end tenancy valid?  
Is the landlord entitled to an Order of Possession?  
Is the landlord entitled to the monetary amounts claimed?

### **Background and Evidence**

The agreed relevant evidence is as follows. Rent in the amount of \$647.00 is payable in advance on the first day of each month. The tenant failed to satisfy all but \$116.95 of the payable rent in the month of December 2017, and on December 11, 2017 the landlord served the tenant with a notice to end tenancy for non-payment of rent by mail, deemed received by the tenant on December 16, 2017. The tenant did not satisfy any further rent since December 16, 2017. The tenant further failed to pay rent in the month of January 2018. The landlord seeks an Order of Possession and a Monetary Order for the unpaid rent.

### **Analysis**

Based on the evidence I find that the tenant was served with a notice to end tenancy for non-payment of rent and I find the notice to be valid. The tenant has not paid the outstanding rent and has not applied for Dispute Resolution to dispute the notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice.

Based on the above facts I find that the landlord is entitled to an **Order of Possession**.

I also find that the landlord has established a monetary claim for unpaid rent. The landlord is also entitled to recovery of the \$100.00 filing fee.

*Calculation for Monetary Order*

Unpaid rent – December 2017	\$530.05
Unpaid rent – January 2018	\$647.00
Filing Fee for the cost of this application	\$100.00
<b>Total Monetary Award - landlord</b>	<b>\$1277.05</b>

**Conclusion**

**I grant an Order of Possession** to the landlord **effective 2 days from the day it is served on the tenant**. The tenant must be served with this Order of Possession. Should the tenant fail to comply with the Order, the Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

**I grant** the landlord an Order under Section 67 of the Act for the amount of **\$1277.05**. If necessary, this Order may be filed in the Small Claims Court and enforced as an Order of that Court.

The landlord's application is granted.

**This Decision is final and binding.**

*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 31, 2018

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Residential Tenancy Branch