



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **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.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions. The tenant acknowledged receipt of evidence submitted by the landlord. Both parties gave affirmed testimony.

### **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 and the filing fee?

### **Background and Evidence**

The tenancy started in April 2017. The current monthly rent is \$2,900.00 due in advance on the first of each month.

The landlord testified that on January 17, 2018, she posted a 10 day notice to end tenancy on the front door of the rental unit, in the presence of a witness. The landlord filed proof of having done so.

The tenant agreed that as per the notice to end tenancy she owed \$9,900.00 on January 17, 2018 and that since she received the notice she has not paid rent. As of the date of this hearing the tenant agreed that she owed a total of \$18,600.00 in unpaid rent. The tenant continues to occupy the rental unit.

The landlord is applying for an order of possession effective two days after service on the tenant and for a monetary order in the amount of \$18,600.00 for unpaid rent plus \$100.00 for the filing fee.

### **Analysis**

Based on the sworn testimony of both parties, I accept the landlord's evidence in respect of the claim. The tenant is deemed to have received the notice to end tenancy for unpaid rent, on January 20, 2018 and did not full 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 further find that the landlord is entitled to \$18,600.00 for unpaid rent. Since the landlord has proven her case, she is also entitled to the recovery of the filing fee of \$100.00. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for 18,700.00. 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 for **\$18,700.00**.

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: April 13, 2018

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Residential Tenancy Branch