



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an order of possession, for a monetary order for unpaid rent or utilities, and to recover the filing fee from the tenant.

Although landlord served with the Application for Dispute Resolution and Notice of Hearing late, I find the tenant was duly served on April 6, 2018, as that was the date the tenant signed for the documents that were sent by registered mail. A Canada post tracking number was provided as evidence of service.

The landlord, gave testimony and was provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions at the hearing.

Issues to be Decided

Is the landlord entitled to an order of possession for unpaid rent?

Is the landlord entitled to a monetary order?

Background and Evidence

Based on the testimony of the landlord, I find that the tenant was served with a notice to end tenancy for non-payment of rent on February 14, 2018, by personal service. The notice informed the tenant that the notice would be cancelled if the rent was paid within five days. The notice also explains the tenant had five days to dispute the notice.

The landlord testified that at the time the notice to end tenancy was issued the tenant owed in unpaid rent the amount of \$1,490.00. the landlord stated on February 19, 2018, the tenant paid the sum of \$400.00. The landlord stated the balance was not paid within 5 days.

The landlord testified that the tenant's rent per month is \$1,420.00. The landlord stated that the tenant has made the following payments toward outstanding rent. March \$800.00 and April \$700.00. The landlord stated the current rent owed is the amount of \$2,430.00.

Analysis

Based on the above, the testimony, and evidence, and on a balance of probabilities, I find as follows:

The tenant has not paid the outstanding rent and did not apply to dispute the notice and is therefore conclusively presumed under section 46(5) of the Act to have accepted that the tenancy ended on the effective date of the Notice.

I find that the landlord is entitled to an order of possession, pursuant to section 55 of the Act, effective **two days** after service on the tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

I find that the landlord has established a total monetary claim, pursuant to section 67 of the Act, in the amount of **\$2,530.00** comprised of unpaid rent up to and including April 2018, and the \$100.00 fee paid by the landlord for this application.

This order may be filed in the Provincial Court (Small Claims) and enforced as an order of that court.

The **tenant is cautioned** that costs of such enforcement are recoverable from the tenant.

Conclusion

The tenant failed to pay rent and did not file to dispute the notice to end tenancy. The tenant is presumed under the law to have accepted that the tenancy ended on the effective date of the notice to end tenancy.

The landlord is granted an order of possession, and a monetary order for unpaid rent.

Dated: April 18,
2018

Residential Tenancy Branch