



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** *OPC, MNR, MNSD, 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 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 April 01, 2019 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.

During the hearing, the landlord requested me to dismiss the portion of her application that deals with the security deposit and allow her to make application for her claims if any, against the security deposit after the tenancy ends. Since the tenancy has not yet ended I allowed the landlord's request and have dismissed this portion of her application with leave to reapply.

### **Issues to be decided**

Is the landlord entitled to an order of possession and a monetary order?

### **Background and Evidence**

The tenancy started on December 01, 2018. The current monthly rent is \$850.00 due on the first of each month. Prior to moving in, the tenant paid a deposit of \$425.00.

The landlord testified that the tenant was late paying rent right from the start of tenancy and on February 08, 2019 the landlord served the tenant with a notice to end tenancy for cause. The reason for the notice was that the tenant was repeatedly late paying rent. The tenant did not make application to dispute the notice.

The landlord testified that the tenant continued to reside in the rental unit and failed to pay rent that was due on March 01, 2019 and on April 01, 2019. At the time of the hearing the tenant owed the landlord \$1,700.00 in unpaid rent for March and April 2019.

The landlord is applying for an order of possession effective two days after service on the tenant and for a monetary order of \$1,700.00 for unpaid rent and 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, on February 08, 2019 and did not make application, pursuant to Section 47 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 \$1,700.00 for unpaid rent plus \$100.00 for the filing fee. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for \$1,800.00. 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 **\$1,800.00**.

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 26, 2019

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Residential Tenancy Branch