



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding FOUR WINDS APARTMENTS and
[tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPR, MNR

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.

The notice of hearing was served on the tenant on April 04, 2019 in the presence of a witness. 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 to recover unpaid rent?

Background and Evidence

The tenancy started in 2012. The monthly rent was \$785.00 due in advance on the first of each month. The landlord testified that the tenant failed to pay rent for full rent for January 2019 and did not pay rent for February and March 2019. On March 05, 2019, the landlord served the tenant with a notice to end tenancy for unpaid rent in the amount of \$1,635.00. The tenant did not dispute the notice and continued to occupy the rental unit without paying rent.

The landlord testified that on April 24, 2019, the tenant paid \$1,400.00 towards unpaid rent but as of the date of the hearing the tenant still owes \$1,705.00. The landlord is claiming unpaid rent in the total amount of \$1,705.00. The landlord is also applying for an order of possession effective two days after service on the tenant.

Analysis

Based on the undisputed sworn testimony of the landlord and in the absence of evidence to the contrary, I accept the landlord's testimony in respect of his claim. The tenant received the notice to end tenancy for unpaid rent, on March 05, 2019 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 is 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 \$1,705.00 for unpaid rent. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for this amount. 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 **\$1,705.00**.

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: May 14, 2019

Residential Tenancy Branch