



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, 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 the filing fee.

The notice of hearing was served on the tenant on May 10, 2019 by registered mail to the rental unit. The landlord provided a tracking number. 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 the filing fee?

Background and Evidence

The tenancy started approximately three years ago. The monthly rent was \$2,400.00 due in advance on the first of each month. The landlord testified that the tenant failed to pay rent for March and April 2019. On May 01, 2019 the landlord served the tenant with a notice to end tenancy for unpaid rent in person, in the presence of a witness. The landlord provided proof of service of the ten-day notice to end tenancy. The tenant did not dispute the notice and continued to occupy the rental unit without paying rent.

The landlord has applied for an order of possession effective 2 days after service on the tenant and is also claiming the recovery of the filing fee of \$100.00.

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 her claim. The tenant received the notice to end tenancy for unpaid rent, on May 01, 2019 and did not pay outstanding 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.

Since the landlord has proven her claim, I award the landlord the recovery of the filing fee \$100.00. 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 **\$100.00**.

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: June 20, 2019

Residential Tenancy Branch