



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PLAYER ENT LTD HIDDENVALLEY MOBILE HOME PARK
and [tenant name suppressed to protect privacy]

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, unpaid utilities, late fees and the filing fee.

Both parties attended this hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The parties represented themselves.

As both parties were in attendance, I confirmed service of documents. The tenant confirmed receipt of the landlord's evidence and stated that she had not filed any evidence of her own. I find that the tenant was served with evidentiary materials in accordance with sections 88 and 89 of the *Act*.

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, unpaid utilities, late fees and the filing fee?

Background and Evidence

The tenancy started on March 01, 2019. The current monthly rent is \$1,285.00 due in advance on the first of each month. A copy of the tenancy agreement was filed into evidence. A clause in the agreement provides for a late fee of \$25.00 for rent paid after the first of each month.

The landlord stated that the tenant paid rent on April 10 and May 13, 2019 and incurred two late fees for a total of \$50.00. The tenant agreed that she did not pay rent for the

months of June, July and August 2019 and also agreed that she had not paid her gas bills for March, April and May 2019. On May 23, 2019, the landlord sent the tenant a letter asking her to pay utilities.

On June 04, 2019, the landlord served the tenant with a ten day notice to end tenancy for unpaid rent in the amount of \$1,285.00 and unpaid utilities in the amount of \$196.06. The tenant did not dispute the notice to end tenancy and continues to occupy the rental unit without paying rent. The tenant agreed that at the time of the hearing she owed the landlord a total of \$4,151.06 in unpaid rent, unpaid utilities and late fees.

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 \$4,151.06. the landlord has also applied for the recovery of the filing fee of \$100.00 for a total claim of \$4,251.06.

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 and unpaid utilities on June 04, 2019 and did not pay rent or utilities 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 \$4,151.06 for unpaid rent, unpaid utilities and late fees. Since the landlord has proven his case, he is also entitled to the filing fee of \$100.00.

I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the amount of \$4,251.06. 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 effective **two days** after service on the tenant and a monetary order for **\$4,251.06**.

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: August 09, 2019

Residential Tenancy Branch