



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

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 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. The landlord was assisted by his son.

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 served her evidence on the landlord. Accordingly the tenant's evidence was not used in the making of this decision. 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 and a monetary order?

Background and Evidence

The tenancy started in May 2018. The current monthly rent is \$2,400.00 due in advance on the first of each month and does not include utilities.

The tenant agreed that she was behind on rent and utilities. On June 02, 2019, the landlord served the tenant with a ten day notice to end tenancy. The tenant did not dispute the notice to end tenancy, did not pay outstanding rent or utilities and continued to occupy the rental unit without paying rent that was due on July 01, 2019.

The tenant agreed that at the time of the hearing she owed the landlord rent for June, July 2019 and outstanding rent from earlier this year in the amount of \$800.00. The tenant also agreed that she owed \$2,146.93 for utilities.

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 \$7,746.93 for unpaid rent and utilities. The landlord has also applied for the recovery of the filing fee of \$100.00.

Analysis

Based on the sworn testimony of both parties, I accept the landlord's evidence in respect of the claim. The tenant received the notice to end tenancy for unpaid rent, on June 02, 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 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 \$7,746.93 for unpaid rent and utilities plus \$100.00 for the filing fee. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for of \$7,846.96. 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 **\$7,846.93**.

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 01, 2019

Residential Tenancy Branch