



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR, MNDC, FF

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for a monetary order for unpaid rent, unpaid utilities and the filing fee.

The landlord testified that the notice of hearing and evidence package was served on the tenant on July 02, 2019 by registered mail. 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.

During the hearing the landlord requested that I grant her an order of possession in the event I uphold the notice to end tenancy. The landlord stated that she had omitted to apply for one in error.

Issues to be decided

Is the landlord entitled to an order of possession and a monetary order to recover unpaid rent, unpaid utilities and the filing fee?

Background and Evidence

The tenancy started in 2014. There is no written tenancy agreement. The landlord stated that the tenant was a friend of hers and requested to rent the unit while her own home was being repaired. The landlord agreed to allow the tenant to occupy the rental unit for a year. At the end of one year the tenant requested more time and the landlord agreed. The monthly rent is \$300.00 due in advance on the first of each month.

The landlord testified that since July 2017 the tenant has not paid any rent or utilities. The landlord served the tenant with several notices to end tenancy. The last notice to end tenancy was served on the tenant on January 14, 2019.

The tenant did not dispute the notice and continued to occupy the rental unit without paying rent or utilities. The landlord is applying for an order of possession and a monetary order in the amount of \$7,500.00 for unpaid rent for the months of July 2017 to August 2019, plus \$1,076.40

for unpaid utilities. The landlord has filed documents into evidence that support her claim for utilities.

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 for unpaid rent, on January 14, 2019 and did not 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 by 1:00pm on August 31, 2019. The Order may be filed in the Supreme Court for enforcement.

I find that the landlord is entitled to her monetary claim of \$7,500.00 for unpaid rent and \$1,076.40 for unpaid utilities. Since the landlord has proven her case, I grant her the recovery of the filing fee of \$100.00 for a total established claim of \$8,676.40. 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 by **1:00pm on August 31, 2019** and a monetary order for **\$8,676.40**.

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 19, 2019

Residential Tenancy Branch