



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNDC, 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.

The landlord testified that the notice of hearing and evidence package was served on the tenant on August 07, 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.

Issues to be decided

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

Background and Evidence

The tenancy started in July 2015. The monthly rent is \$1,000.00 due in advance on the first of each month. There is no written agreement.

The landlord testified that the tenant was repeatedly late paying rent and often paid in installments. By July 25, 2019 the tenant had not paid rent for July and therefore the landlord served the tenant with a 10 day notice to end tenancy for unpaid rent in the amount of \$1,000.00, by posting the notice on the front door of the suite. The tenant did not dispute the notice and continued to occupy the rental unit without paying rent.

The landlord is applying for an order of possession effective two days after service on the tenant and a monetary order in the amount of \$3,000.00 for unpaid rent for the months of July, August and September plus \$100.00 for the filing fee.

Analysis

Based on the undisputed sworn testimony of the landlord, 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, on July 25, 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 two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

I find that the landlord is entitled to her monetary claim of \$3,000.00 for unpaid rent. 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 \$3,100.00. 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 **\$3,100.00**.

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: September 30, 2019

Residential Tenancy Branch