



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding SUPERMEN PROPERTY MANAGEMENT  
INC. 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 and the filing fee.

The landlord had initially made application by direct request which is processed by a non-participatory hearing. In an interim decision dated October 07, 2019, the adjudicator adjourned the hearing to a participatory hearing. The reason for the adjournment was that the tenancy agreement failed to provide clarity on the term of the tenancy agreement and the date rent is due. The Arbitrator also found that the applicant provided contradictory details regarding service of the notice to end tenancy.

The landlord testified that the notice of hearing and the interim decision dated October 07, 2019 was served on the tenant on October 11, 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 for unpaid rent, and the filing fee?

### **Background and Evidence**

The landlord testified that the tenancy started May 04, 2019 and that the monthly rent of \$900.00, is due on the first of each month.

The landlord testified that the tenant owed rent in the amount of \$50.00 for July 2019. The tenant failed to pay rent on August 01 and September 01, 2019. On September 03, 2019, the landlord served the tenant with a ten day notice to end tenancy, for \$1,850.00 in unpaid rent. The tenant did not dispute the notice and continued to occupy the rental unit without paying rent.

The landlord further testified that the tenant failed to pay any rent for October and November 2019. The landlord testified that at the time of the hearing the tenant owes rent in the total amount of \$3,650.00.

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 \$3,650.00 for unpaid rent plus \$100.00 for the recovery of the filing fee.

### **Analysis**

Based on the sworn undisputed testimony of the landlord and the documents filed into evidence, 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 September 07, 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 \$3,650.00 for unpaid rent. Since the landlord has proven her case, she is also entitled to the recovery of the filing fee of \$100.00 for a total claim of \$3,750.00.

I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the amount due of \$3,750.00. 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 in the amount of **\$3,750.00.**

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: November 07, 2019

---

Residential Tenancy Branch