



# Dispute Resolution Services

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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.

The landlord testified that the notice of hearing and evidence package was served on the tenant on March 27, 2020 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 on November 01, 2019. The monthly rent is \$1,550.00 due in advance on the first of each month. The landlord testified that the tenant failed to pay rent that was due on January 01, 2020 and February 01, 2020. On February 24, 2020, the landlord served the tenant with a 10-day notice to end tenancy, by registered mail.

The tenant did not dispute the notice and continued to occupy the rental unit without paying rent. The landlord testified that as of the date of this hearing, the tenant owes rent for the months of January to May 2020 in the total amount of \$7,750.00

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 \$7,750.00 for unpaid rent 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 February 29, 2020 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 \$7,750.00 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 \$7,850.00.

I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance due of \$7,850.00. 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 for **\$7,850.00**.

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: May 14, 2020

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Residential Tenancy Branch