



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, CNR, MNR, FF

Introduction

This hearing dealt with applications by the landlord and the tenant, pursuant to sections 55, 67, 46, 66 and 72 of the *Residential Tenancy Act*. The landlord applied for an order of possession and for a monetary order for unpaid rent and for the recovery of the filing fee. The tenant applied to cancel the notice to end tenancy for non-payment of rent and for more time to do so. The tenant also applied for the recovery of 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. As both parties were in attendance, I confirmed service of documents. The parties confirmed receipt of each other's evidence. I find that the parties were served with evidence in accordance with sections 88 and 89 of the *Act*.

The tenant applied for additional time to dispute the notice to end tenancy. The landlord served the notice on October 09, 2020 by posting the notice on the front door and the tenant is deemed to have received it on October 12, 2020. The tenant made this application on October 16, 2020 which is within the legislated time frame of 5 days.

At the start of the hearing the tenant informed me that she had moved out on November 21, 2020 and therefore her application to dispute the notice and recover the filing fee is dismissed.

Issues to be decided

Is the landlord entitled to an order of possession? Is the landlord entitled to a monetary order for unpaid rent?

Background and Evidence

The background facts are generally undisputed. The tenancy started in February 2019 and the current monthly rent is \$2,000.00 payable on the first of the month.

The amounts of unpaid rent for months starting March 2020 to November 2020, were discussed in detail. The tenant filed evidence of payments made and the parties agreed that as of the date of this hearing, the tenant owed \$12,600.00 in unpaid rent. I attempted to set a repayment plan for the tenant, but the parties could not agree on the amount of the monthly installment.

The landlord has applied for an order of possession to be effective immediately and for a monetary order in the amount of \$12,600.00 plus \$100.00 for the filing fee.

Analysis

The tenant has moved out and agreed that she owes \$12,600.00 in unpaid rent.

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.

Since the landlord has proven his case, I award the landlord the recovery of the filing fee of \$100.00. Overall, the landlord has established a total claim of \$12, 700.00. 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 2 days after service on the tenant and a monetary order in the amount of \$12,700.00.

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 23, 2020

Residential Tenancy Branch