



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** OPR, MNR

### **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.

The notice of hearing was served on the tenant on November 08, 2022, by registered mail. The landlord filed a copy of the tracking slip. 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?

### **Background and Evidence**

The tenancy started on November 15, 2011. The rent is \$450.00 due on the first of the month. The rental unit is in the basement of the home. The landlord lives upstairs.

The landlord testified that the tenant failed to pay rent on October 01, 2022. On October 05, 2022; the landlord served the tenant with a ten-day notice to end tenancy. The tenant did not dispute the notice and has not paid rent till the date of this hearing. The landlord testified that the tenant has not been seen since mid-September 2022 and he presumes that she has left the country like she usually does in winter. The landlord testified that the tenant's belongings are still in the rental unit, as of the date of this hearing (March 02, 2023)

The landlord testified that the tenant owed the landlord rent for the months of October, November, December 2022 and January and February 2023, for a total of \$2,250.00. The landlord had initially applied for rent for October 2022 but during the hearing requested that he be awarded all unpaid 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 \$2,250.00 for unpaid rent.

### **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 October 05, 2022, 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 his monetary claim of \$2,250.00 for unpaid rent and I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the amount of \$2,250.00. 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 **\$2,250.00**.

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: March 02, 2023

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Residential Tenancy Branch