



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding JIWA VENTURES LTD
and [tenant name suppd 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 pursuant to a 10-day notice to end tenancy for unpaid rent, for a monetary order for unpaid rent and for the recovery of the filing fee.

The notice of hearing package was served on the tenant by registered mail on April 14, 2023, at the address of the rental unit. The landlord filed into evidence, 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? Is the landlord entitled to a monetary order for unpaid rent and for the recovery of the filing fee?

Background and Evidence

The landlord testified that the tenancy started on February 01, 2021. A copy of the tenancy agreement was filed into evidence. The monthly rent is \$3,950.00 payable on the first of each month. Prior to moving in the tenant paid a security deposit of \$1,975.00 and a pet deposit of \$1,975.00.

The landlord testified that the tenant failed to pay rent that was due on February 01, 2023. On February 23, 2023, the landlord served the tenant with a notice to end tenancy for unpaid rent, in the amount of \$3,950.00, by posting the notice on the front door of the rental unit. The landlord filed proof of service of the 10-day notice into evidence. The tenant did not pay rent nor did the tenant dispute the notice. The tenant continues to occupy the rental unit and at the time of this hearing, owed the landlord rent for the months of February, March, April and May 2023 in the total amount of \$15,800.00.

The landlord has applied for an Order of Possession effective two days after service on the tenant and for a Monetary Order for unpaid rent in the amount of \$15,800.00 plus \$100.00 for the filing fee.

Analysis

Based on the undisputed testimony and documentary evidence of the landlord, I find that the tenant is deemed to have received the notice to end tenancy, on February 26, 2023, and did not pay rent or 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, 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 unpaid rent in the amount of \$15,800.00. Since the landlord has proven his case, he is also entitled to the recovery of the filing fee of \$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 in the amount of \$1,755.00.

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 15, 2023

Residential Tenancy Branch