



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing

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DECISION

Dispute Codes OPR OPN MNRL

Introduction

The Landlord seeks an order of possession on an undisputed notice to end tenancy under section 55(2)(b) of the *Residential Tenancy Act* (the “Act”). The Landlord also seeks a monetary order for unpaid rent under section 55(4)(b).

The Landlord also sought an order of possession based on a notice to end tenancy given by the Tenant; the latter of these claims is dismissed, as there is insufficient evidence for me to make any findings regarding any such notice to end tenancy.

Procedural History of Hearings

This matter was first set down for a hearing on February 17, 2023. Both parties attended the hearing on that date. The hearing was adjourned in order for the Landlord to properly serve their evidence upon the Tenant, which they appear to have done. (See Interim Decision dated February 17, 2023).

The Interim Decision and a new Notice of Dispute Resolution Proceeding was sent to the parties by email from the Residential Tenancy Branch on February 17, 2023. An email notification reminding the parties of the upcoming hearing on June 12, 2023, was sent by the Residential Tenancy Branch to both parties on June 9, 2023.

The Landlord attended the June 12, 2023, hearing while the Tenant did not. The hearing commenced at 11:00 a.m. and ended at 11:10 a.m.

Issues

1. Is the Landlord entitled to an order of possession?
2. Is the Landlord entitled to a monetary order?

Evidence and Analysis

In reaching this decision, I have only considered relevant and necessary oral and documentary evidence that helped resolve the issues of the dispute.

The following facts are based on the affirmed testimony of the Landlord and the documentary evidence submitted by the Landlord in support of their application.

The tenancy began in 2009 and monthly rent is \$600. Rent is due on the first day of the month. There is no security or pet damage deposit on the tenancy. A copy of a written tenancy agreement was in evidence.

On September 18, 2022, the Landlord served a 10 Day Notice to End Tenancy for Unpaid Rent (the "Notice") on the Tenant by posting the Notice on the door of the rental unit. Both a copy of the Notice and a copy of proof of service documents were in evidence.

The Notice was issued under section 46 of the Act for unpaid rent, and, having reviewed the Notice, I find that it complies with section 52 form and content requirements under the Act.

The Tenant did not dispute the Notice. Pursuant to section 55(2)(b) of the Act, the Landlord is therefore entitled to an order of possession of the rental unit. A copy of the order of possession is issued with this decision to the Landlord, who must (in accordance with section 88 of the Act) serve a copy of the order upon the Tenant.

The Landlord testified that the Tenant has not paid rent since June 2022. Twelve months of unpaid rent (from June 2022 to June 1, 2023, inclusive) amounts to \$7,200. Pursuant to section 55(4)(b) of the Act the Landlord is granted an order requiring the payment of that rent. A copy of the monetary order is issued with this decision to the Landlord. The Landlord must serve a copy of the monetary order upon the Tenant.

Conclusion

The application is granted.

Under section 84 of the Act, this decision and the order of possession order may be filed in the Supreme Court. Once filed, the decision and the order of possession have the same effect as a judgment or an order of the Supreme Court.

Under section 85 of the Act, a copy of the monetary order may be filed and enforced in the Provincial Court. Once filed, the decision and the order have the same effect as a judgment or an order of the Provincial Court.

Dated: June 12, 2023

Residential Tenancy Branch