

DECISION

Introduction

This hearing dealt with the Tenant's Application for Dispute Resolution under the *Residential Tenancy Act* (Act) for:

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to sections 46 and 55 of the Act

The Landlord applied for the following:

- an Order of Possession based on unpaid rent pursuant to sections 46 and 55 of the Act
- a Monetary Order for unpaid rent pursuant to section 60 of the Act
- authorization to recover the filing fee for this application from the tenant pursuant to section 72 of the Act

Background, Evidence, and Analysis

This hearing commenced on April 4, 2024 and was adjourned to April 11, 2024 at the request of the Tenant. The Tenant did not appear on April 11, 2024. The Landlord confirmed that they served the Tenant with a dispute notice dated February 24, 2024 by registered mail on February 29, 2024. The Landlord provided a Canada Post tracking number in evidence.

The Tenant did not appear at the April 11, 2024 hearing. The Tenant's claim is dismissed.

The tenancy commenced on April 1, 2023 on a fixed term basis until March 31, 2024 and month to month thereafter. Rent was \$2,400.00 per month due on the first day of the month. The Landlord holds a security deposit in the amount of \$1,200.00. The Tenant still occupies the rental unit.

The Landlord testified that the Tenant has not paid rent for February, March and April 2024. The total amount of rent owing is \$7,200.00. The Landlord is seeking both an order of possession for the rental unit and a monetary order for unpaid rent. The Landlord testified that the current amount of outstanding rent is \$7,200.00.

The Landlord served the Tenant with the 10 Day Notice under section 46 of the Act for unpaid rent. The notice was served on February 9, 2024 with an effective date of February 22, 2024.

The Landlord sought amendment of his claim during the hearing to include further unpaid rent. I grant the Landlord's amendment pursuant to section 64(3)(c) of the Act and amend to allow a claim for \$7,200.00 of unpaid rent.

I find based on undisputed evidence that the Tenant has not paid rent since February, 2024 and currently owes the Landlord \$7,200.00 in unpaid rent.

The Landlord is entitled to an order of possession of the rental unit and a monetary order for unpaid rent.

The Landlord is successful in their application and therefore is entitled to also recover the \$100.00 filing fee.

Conclusion

The Landlord is granted an order of possession which will be effective two days after it is served on the tenant. The order of possession must be served on the Tenant. The order of possession may be filed in and enforced as an order of the Supreme Court of British Columbia.

The Landlord is granted a monetary order in the amount of \$7,300.00 for unpaid rent and the filing fee. The monetary order must be served on the Tenant. The monetary order may be filed in and enforced as an order of the Provincial Court of British Columbia (Small Claims).

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under section 9.1(1) of the Act.

Dated: April 11, 2024

Residential Tenancy Branch