



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION AND REASONS

Dispute Codes: OPR, OPB, FF

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for orders as follows:

- An order of possession pursuant to Section 55;
- An order to recover the cost of filing this application, pursuant to Section 72.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

During the hearing the landlord stated that he had not received rent for June and requested that his application be amended to include a monetary order for unpaid rent. The tenant agreed that she had not paid rent for June and therefore I allowed the landlord to amend his application to include a monetary order for unpaid rent.

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 the filing fee?

Background and Evidence

The tenancy started on December 01, 2007. The monthly rent is \$650.00 due in advance on the first day of the month. Prior to moving in the tenant paid a security deposit of \$250.00.

The landlord stated that through out the tenancy, the tenant paid rent late on several occasions and was issued a total of six, ten day notices to end tenancy, the last three of which are dated February 03, 2009, May 11, 2009 and June 02, 2009. The tenant currently owes rent for June.

The landlord has applied for an order of possession effective two days after service on the tenant and a monetary order for rent (\$650.00) and the filing fee (\$50.00)

The tenant stated that she was late paying rent because the landlord raised her rent by \$50.00 without adequate notice. The tenant stated that she was in the process of moving out and agreed that she had not paid rent for June 2009.

Analysis

Pursuant to section 46 (4) of the *Residential Tenancy Act* within five days after receiving the notice to end tenancy, the tenant may pay the overdue rent or dispute the notice by making application for dispute resolution. If the tenant does not pay rent or dispute the notice, the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice and must vacate the rental unit, by that date.

The tenant received the notice to end tenancy on June 02, 2009 and did not pay overdue rent or dispute the notice within five days of receiving the notice. Therefore, the notice is upheld and pursuant to section 55(2) I am issuing a formal order of possession effective two days after service on the tenant. This Order may be filed in the Supreme Court for enforcement.

I also find that the landlord is entitled to \$650.00 for unpaid rent and \$50.00 for the filing fee. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the amount of \$700.00. 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 for rent for June 2009, in the amount of **\$700.00**.

Dated June 12, 2009.

Dispute Resolution Officer