



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

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 a monetary order for unpaid rent.

The notice of hearing dated was served on the tenant by registered mail. The landlord provided a tracking number. 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 to recover unpaid rent?

Background and Evidence

The landlord testified that the tenancy started on September 01, 2006. The monthly rent is \$525.00 due in advance on the first of each month. Since the start of the tenancy, the tenant was repeatedly late paying rent and sometimes did so in instalments. Therefore the tenant was consistently behind on rent. The landlord served him several notices to end tenancy, but cancelled them when the tenant promised to catch up. As time went by, the tenant got progressively further behind and on July 17, 2010 the landlord served the tenant with a ten day notice to end tenancy.

The landlord has filed a statement of accounts to show that as of July 01, 2010 the tenant owed \$6,595.00. The landlord has applied for a monetary order of \$5,000.00 for unpaid rent. The landlord has also applied for an order of possession effective two days after service on the tenant.

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 July 17, 2010 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 has established a claim of \$5,000.00 for unpaid rent. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the amount of 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 **\$5,000.00**

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: September 22, 2010.

Dispute Resolution Officer