



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

Dispute Codes      OPR, MNR, FF

### Introduction

This hearing dealt with an application by the landlord for an order of possession for unpaid rent, a monetary order for unpaid rent and recovery of the filing fee. Both parties participated in the conference call hearing.

### Issue(s) to be Decided

Is the landlord entitled to any of the above under the Act.

### Background and Evidence

This tenancy began May 2006 and the tenants pay current monthly rent of \$2420.00; the tenants paid a security deposit of \$1090.00. On January 18, 2011 the landlord served the tenants with a 10 Day Notice to End Tenancy for Unpaid Rent.

The landlord's agent testified that the tenants have not paid the December 2010, January 2011, February 2011 and March 2011 rent for a total of \$9680.00 in unpaid rent. The tenants also have not paid the late fees which total \$99.50. The landlord is seeking a monetary order for \$9779.50 in unpaid rent and late fees.

The tenant testified that he did not dispute the amount of rent owed to the landlord or the late fees owed the landlord. The tenant stated that he was and is dealing with a crisis in his personal life and that is why the rent had gone unpaid. The tenant requested more time to come up with the money owed the landlord however the agent for the landlord stated that he was under direction to request an order of possession for the unpaid rent.

The landlord's agent testified that he would be willing to give the tenant until March 14, 2011 to pay the rent that is due and has requested an order of possession dated for March 14, 2011.

### Analysis

Based on the documentary evidence and testimony I find that the tenant was properly served with a notice to end tenancy for non-payment of rent. The tenant did not pay the outstanding rent within 5 days of receiving the notice and did not apply for dispute resolution to dispute the notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. Based on the above facts I find that the landlord is entitled to an order of possession.

I find that the landlord has established a claim for \$9779.50 in unpaid rent and late fees.

The landlord is entitled to recovery of the \$100.00 filing fee.

### Conclusion

I hereby grant the Landlord an **Order of Possession** effective not later than **1:00 PM, March 14, 2011**. This Order must be served on the Tenants and may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

I find that the landlord has established a monetary claim for \$9779.50 in unpaid rent. The landlord is also entitled to recovery of the \$100.00 filing fee. I order the landlord pursuant to s. 38(4) of the Act to keep the tenant's \$1090.00 security deposit in partial satisfaction of the claim and I grant the landlord a monetary order under section 67 for the balance due of **\$8789.50** ( $\$9779.50 + \$100.00 = \$9879.50.00 - \$1090.00 = \$8789.50$ )

A monetary order in the amount of **\$8789.50** has been issued to the landlord and a copy of it must be served on the tenant. If the amount is not paid by the tenant, the Order may be filed in the Provincial (Small Claims) Court of British Columbia and enforced as an order of that court.

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: March 3, 2011.

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Residential Tenancy Branch