



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord for an order for possession, a monetary order and to recover the filing fee for the Application.

Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issue(s) to be Decided

Is the Landlord entitled to the monetary relief and an order of possession?

Background and Evidence

Based on the testimony of both parties, I find that the Tenant was served with a Notice to End Tenancy for non-payment of rent.

The Tenant did not pay the outstanding rent and has not applied for arbitration to dispute the Notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice.

The Tenant testified that she did not dispute the fact she owes the Landlord \$975.00 in rent for July of 2011. She testified she has the rent money to pay to the Landlord today.

Analysis

Based on the above, the evidence and testimony, and on a balance of probabilities, I find as follows.

I find the Landlord is entitled to a monetary order for unpaid rent and the filing fee for the Application, as well as to end the tenancy and receive an order of possession.

However, the Agent for the Landlord consented that the Landlord would be willing to withhold enforcement of the order for possession on the condition that the Tenant pay to the Landlord **no later than 4:30 pm on September 22, 2011**, the total amount of **\$1,025.00** comprised of the rent for July in the amount of \$975.00, and the \$50.00 filing fee in respect of this application.

If the rent is paid on the terms above, then the tenancy will continue until ended in accordance with the Act.

If the rent is not paid on the terms above, then the tenancy is ending effective today and the Landlord is entitled to serve and enforce the order for possession. A formal order has been issued and is effective on two days service, and may be filed in the Supreme Court to be enforced as an order of that Court.

As for the monetary claim, if payment is not received by the above mentioned time and date, I find that the Landlord has established a claim for unpaid rent for the month of July in the amount of \$975.00 and the \$50.00 fee paid by the Landlord for this application totalling **\$1,025.00**. I grant the Landlord an order under section 67 for the balance due. This order may be filed in the Small Claims Court 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: September 22, 2011.

Residential Tenancy Branch