



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR, MNR

Introduction

This hearing was convened in response to the Landlord's Application for Dispute Resolution, in which the Landlord has made application for an Order of Possession for Unpaid Rent and a monetary Order for unpaid rent.

Both parties were represented at the hearing. They were provided with the opportunity to submit documentary evidence prior to this hearing, to present relevant oral evidence, to ask relevant questions, and to make relevant submissions to me.

The Agent for the Landlord stated that copies of the Application for Dispute Resolution and Notice of Hearing were personally served to the male Tenant on November 04, 2011. The female Tenant acknowledged that the male Tenant was personally served and that she was representing him at the hearing. , I find that these documents were served to the male Tenant in accordance with section 89 of the *Residential Tenancy Act (Act)*.

Issue(s) to be Decided

The issues to be decided are whether the Landlord is entitled to an Order of Possession for unpaid rent and to a monetary Order for unpaid rent, pursuant to sections 55 and 67 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The Landlord and the Tenant agree that the parties have a tenancy agreement that requires the Tenant to pay \$600.00 in rent by the first day of each month; that the Tenant currently owes rent of \$3,372.46 for the period ending November 30, 2011; and that a Ten Day Notice to End Tenancy for Unpaid Rent, which had a declared effective date of September 26, 2011, was posted on the door on September 15, 2011.

The Tenant was not permitted to discuss her belief that she is entitled to a rent reduction as a result of a flood in the rental unit, as the Tenant has not made a claim for such compensation. She was advised of her right to file an Application for Dispute Resolution.

Analysis

On the basis of the undisputed evidence presented at the hearing, I find that the Tenant entered into a tenancy agreement with the Landlord that requires the Tenant to pay monthly rent of \$600.00 by the first day of each month and that the Tenant currently owes rent of \$3,372.46 for the period ending November 30, 2011. As section 26(1) of the *Act* requires tenants to pay rent to their landlord, I find that the Tenant must pay \$3,372.46 in outstanding rent to the Landlord.

If rent is not paid when it is due, a tenancy may be ended pursuant to section 46 of the *Act*. On the basis of the undisputed evidence presented at the hearing, I find that a Ten Day Notice to End Tenancy for Unpaid Rent, which had a declared effective date of September 26, 2011, was posted on the door on September 15, 2011.

Section 46 of the *Act* stipulates that a Tenant has five (5) days from the date of receiving the Notice to End Tenancy to either pay the outstanding rent or to file an Application for Dispute Resolution to dispute the Notice. In the circumstances before me I have no evidence that the Tenant exercised either of these rights and, pursuant to section 46(5) of the *Act*, I find that the Tenant accepted that the tenancy has ended. On this basis I will grant the landlord an Order of Possession that is effective on November 30, 2011.

Conclusion

I hereby grant the Landlord an Order of Possession that is effective at 1:00 p.m. on November 30, 2011. This Order may be served on the Tenant, filed with the Supreme Court of British Columbia, and enforced as an Order of that Court.

I find that the Landlord has established a monetary claim, in the amount of \$3,372.46, as compensation for rent due to November 30, 2011. Based on these determinations I grant the Landlord a monetary Order for this amount. In the event that the Tenant does not comply with this Order, it may be served on the Tenant, filed with the Province of British Columbia 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: November 23, 2011.

Residential Tenancy Branch