



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute codes OP MNR MNSD FF

Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order. The landlord also requested recovery of the filing fee from the tenant. Both parties attended the hearing and had an opportunity to be heard.

Issues

Is the landlord entitled to the requested orders?

Background and Evidence

This tenancy began on May 1, 2012. The rent is \$1,550.00 due in advance on the first day of each month. On May 10, 2012 the tenant was served with a Notice to End Tenancy for non-payment of rent. The tenant has not paid the outstanding rent and did not file an application to dispute the Notice.

The landlord claims that the current amount of rent outstanding is \$2,675.00 comprised of \$1,225.00 for May and \$1,450.00 for June. The tenant acknowledges that she did not pay the rent owing but that her failure to pay related to the landlord's boat being stored in the garage and an issue about the landlord refusing to let her sublet to her husband.

Analysis

The landlord has requested an order of possession and a monetary order. I shall deal with each of these requests in turn.

Order of Possession - Section 46 of the Act requires that upon receipt of a Notice to End Tenancy for non-payment of rent the tenant must, within five days, either pay the full amount of the arrears indicated on the Notice or dispute the notice by filing an Application for Dispute Resolution with the Residential Tenancy Branch. If, as in the present case, the tenant does neither of these two things, the tenant is conclusively

presumed to have accepted that the tenancy ended on the effective date of the Notice and the landlord is entitled to an order of possession.

Monetary Order – The landlord has claimed unpaid rent in the total amount of \$2,675.00. The tenant has not disputed that this is the amount of rent owing. The Act and the tenancy agreement require that the tenant pay the rent when it is due. I am therefore satisfied that the landlord has established this claim.

Conclusion

I find that the landlord is entitled to an order for possession effective two days after service on the tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

I find that the landlord has established a total monetary claim of \$2,725.00 comprised of \$2,675.00 in unpaid rent and the \$50.00 fee paid by the landlord for this application. Accordingly, I order the tenant to pay to the landlord the sum of \$2,725.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Section 72(2) of the Act also permits a landlord to deduct from any deposit due to the tenant an amount that the tenant has been ordered to pay to the landlord.

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*.