



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding LAMSON DAIRY LTD.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes: MNR OPR FF

### **Introduction:**

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for orders as follows:

- a) A monetary order pursuant to Section 67;
- b) An Order of Possession pursuant to Sections 46, and 55 for unpaid rent or under section 48 and 55 as the tenant's employment has ended; and
- d) An order to recover the filing fee pursuant to Section 72.

### **SERVICE:**

The tenant did not attend. The landlord gave sworn testimony that they served personally the Notice to end Tenancy dated December 10, 2014 and the Application for Dispute Resolution with some employees as witnesses. I find that the tenant was served with the documents according to sections 88 and 89 of the Act.

### **Issue(s) to be Decided:**

The tenant was issued a Notice to End Tenancy dated December 10, 2014 for unpaid rent and a further Notice to End Tenancy for cause dated November 13, 2014. Is the landlord now entitled to an Order of Possession and to a Monetary Order for rental arrears and filing fee?

### **Background and Evidence:**

The tenant did not attend though served with the Application/Notice of Hearing. The landlord attended and was given opportunity to be heard, to present evidence and to make submissions. The undisputed evidence is that the current tenancy commenced in December 31, 2013, rent is \$800 a month and no security deposit was paid as this was an employment situation. The landlord noted that the tenant quit on November 12, 2014 and has not paid rent for December 2014 or January 2015, although remaining in the unit. The landlord is claiming the rental arrears of \$1600 plus filing fee.

In evidence are Notices to End Tenancy for unpaid rent and for cause plus proof of service.

On the basis of the documentary and solemnly sworn evidence presented at the hearing, a decision has been reached.

**Analysis**

**Order of Possession:**

I find that the landlord is entitled to an Order of Possession. I find it is not necessary to consider the Notice to End Tenancy for cause. There is outstanding rent which the tenant did not pay after being served the 10 day Notice. The Tenant has not made 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 which was December 20, 2014. An Order of Possession is issued effective two days from service.

**Monetary Order**

I find that there are rental arrears in the amount of \$1600 representing rental arrears for December 2014 and January 2015.

**Conclusion:**

I find the landlord is entitled to an Order of Possession effective two days from service and a monetary order for \$1650 (rent arrears + \$50 filing fee).

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: January 15, 2015

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Residential Tenancy Branch

