



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding LI-CAR MANAGEMENT GROUP  
and [tenant name suppressed to protect privacy]

## **DECISION**

**Dispute Codes:** OPR, MNR, FF

### **Introduction**

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for an order of possession and for a monetary order for unpaid rent and the filing fee.

The landlord served the notice of hearing on the tenant on June 18, 2015 by registered mail and provided a tracking number. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

### **Issues to be decided**

Is the landlord entitled to an order of possession? Is the landlord entitled to a monetary order to recover unpaid rent and the filing fee?

### **Background and Evidence**

The tenancy started in March 2013. The current monthly rent is \$700.00 due in advance on the first of each month.

The tenant failed to pay rent for May and June 2015. On June 02, 2015, the landlord served the tenant with a notice to end tenancy for unpaid rent in the amount of \$1,400.00. The tenant did not dispute the notice and did not pay rent within five days of receiving the notice to end tenancy.

The landlord testified that since then the tenant paid outstanding rent in installments on various dates in July and at the time of this hearing was all caught up on rent. The landlord issued receipts for use and occupancy only.

The landlord withdrew her application for a monetary order and stated that she was only seeking an order of possession. The landlord also added that she would serve the order

of possession on the tenant only in the event that he did not pay the rent for the following month.

### **Analysis**

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim. The tenant received the notice to end tenancy on June 02, 2015 and did not pay outstanding rent nor did the tenant make 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. Pursuant to section 55(2) I am issuing a formal order of possession effective on or before 1:00 pm on August 31, 2015. The Order may be filed in the Supreme Court for enforcement.

### **Conclusion**

I grant the landlord an order of possession effective on or before **1:00 pm on August 31, 2015.**

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: August 13, 2015

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Residential Tenancy Branch

