



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FFL, MNRL, OPR

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the Act) for:

- an Order of Possession for unpaid rent pursuant to section 55;
- a monetary order for unpaid rent pursuant to section 67; and
- authorization to recover his filing fee for this application from the tenants pursuant to section 72.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another. The parties acknowledged receipt of evidence submitted by the other.

Issues(s) to be Decided

Is the landlord entitled to an Order of Possession for unpaid rent?

Is the landlord entitled to a monetary award for unpaid rent of the tenants' deposits in partial satisfaction of the monetary award requested?

Is the landlord entitled to recover the filing fee for this application from the tenants?

Background and Evidence

The tenancy began on or about August 1, 2017. Rent in the amount of \$1050.00 is payable in advance on the first day of each month. The tenant failed to pay rent in the month(s) of September 2017- August 2018. The landlord served the tenant with a notice to end tenancy on September 9, 2018.

The amount of unpaid rent as of this hearing is \$12,600.00. The landlord requests a monetary order for that amount plus the recovery of the \$100.00 filing fee along with an order of possession.

The tenant gave the following testimony. The tenant agrees that he has not paid the amount as claimed. The tenant testified that he is selling some property in the near future and will provide the landlord with as much money as he can when that happens.

Analysis

The tenants failed to pay their rent in full within five days of being deemed to have received the 10 Day Notice. The tenants have not made application pursuant to section 46(4) of the *Act* within five days of being deemed to have received the 10 Day Notice. In accordance with section 46(5) of the *Act*, the tenants' failure to take either of these actions within five days led to the end of their tenancy on the corrected effective date of the notice. The form and content of the notice are in accordance with section 52 of the *Act*.

In this case, this required the tenants to vacate the premises by September 19, 2018. As that has not occurred, I find that the landlord is entitled to a 2 day Order of Possession. The landlord is granted an Order of Possession pursuant to Section 55 of the *Act*, which must be served on the tenant(s). If the tenants do not vacate the rental unit within the 2 days required, the landlord may enforce this Order in the Supreme Court of British Columbia.

Based on the undisputed evidence provided by the landlord and tenant, I am satisfied that the tenants continue to owe the landlord unpaid rent of \$12,600.00. The landlord is also entitled to the recovery of the \$100.00 filing fee.

Conclusion

The landlord is granted an order of possession and a monetary order for \$12,700.00.

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 09, 2018

Residential Tenancy Branch