



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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, unpaid utilities and for the recovery of the filing fee. Both parties attended this hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The parties represented themselves. The landlord was accompanied by her agent.

As both parties were in attendance, I confirmed service of documents. The tenant confirmed receipt of the landlord's evidence and stated that he had not filed any of his own. I find that the tenant was served with evidentiary materials in accordance with sections 88 and 89 of the *Act*.

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, unpaid utilities and the filing fee?

Background and Evidence

The tenancy started in April 2019. The current monthly rent is \$5,500.00 due in advance on the first of each month.

On March 05, 2020, the landlord served the tenant in person, with a ten-day notice to end tenancy for unpaid rent in the amount of \$16,500.00 and unpaid utilities in the amount of 3,344.56. The tenant did not dispute the notice to end tenancy and continues to occupy the rental unit. The tenant agreed that at the time of the hearing he owed the landlord \$27,500.00 in unpaid rent plus \$5,562.40 in unpaid utilities.

The landlord is applying for an order of possession effective by 1:00pm on May 31, 2020 and for a monetary order in the amount of \$27,500.00 for unpaid rent plus \$5,562.40 for unpaid utilities. The landlord is also claiming \$100.00 for the filing fee

Analysis

Based on the sworn testimony of both parties, I accept the landlord's evidence in respect of the claim. The tenant received the notice to end tenancy for unpaid rent, on March 05, 2020 and did not pay rent within five days of receiving the notice to end tenancy 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 by 1:00pm on May 31, 2020. The Order may be filed in the Supreme Court for enforcement.

I further find that the landlord is entitled to a total of \$33,062.40 for unpaid rent and unpaid utilities. Since the landlord has proven her claim, she is also entitled to the recovery of the filing fee of \$100.00. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for \$33,162.40. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord an order of possession **effective by 1:00pm on May 31, 2020** and a monetary order for **\$33,162.40**.

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: May 21, 2020

Residential Tenancy Branch