



## **Dispute Resolution Services**

Residential Tenancy Branch  
Office of Housing and Construction Standards  
Ministry of Housing and Social Development

Dispute Codes: OPR MNR FF

### Preliminary Issue:

The landlord provided evidence that one of the two tenants, Mr. F., has a separate tenancy agreement for the basement suite, with that tenancy commencing on July 1, 2008. As only one of the two tenants is named on the tenancy agreement for the basement suite, no notice to end tenancy was issued for the basement suite, and the landlord's application only makes reference to the upstairs suite, the landlord is not entitled to an order of possession or monetary order regarding the basement suite. The tenancy in the basement suite continues until such time as the landlord or tenant takes the proper steps to terminate that tenancy.

### Decision and Reasons:

This hearing dealt with an application by the landlord for an order of possession and a monetary order. Despite having been served with the application for dispute resolution and notice of hearing by registered mail on August 8, 2008, the tenants did not participate in the conference call hearing.

The tenancy began on June 15, 2008. Rent in the amount of \$2000 is payable in advance on the first day of each month. The tenants failed to pay rent in the month of July 2008 and on July 27, 2008 the landlord served the tenants with a notice to end tenancy for non-payment of rent. The tenants further failed to pay rent in the months of August and September 2008. Two of the tenants' rent cheques were returned for insufficient funds, and the landlord was informed that the account had been closed.

Based on the landlord's testimony I find that the tenants were served with a notice to end tenancy for non-payment of rent. The tenants have not paid the outstanding rent and have not applied for dispute resolution to dispute the notice and are therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. Based on the above facts I find that the landlord is entitled to an order of possession. The tenants must be served with the order of possession. Should the tenants fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

As for the monetary order, I find that the landlord has established a claim for \$4000 in unpaid rent for July and August 2008, \$2000 in lost revenue for September 2008 and \$14 in bank fees. The landlord is also entitled to recovery of the \$50 filing fee. I grant the landlord an order under section 67 for the balance due of \$6064. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated September 8, 2008.