



Dispute Resolution Services

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

Decision

Dispute Codes: OPR, MNR, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order for unpaid rent and lost revenue, and an order to recover the filing fee for this application. The landlord participated in the hearing and gave affirmed testimony. Neither the tenant nor an agent for the tenant appeared. All of the testimony and documentary evidence was carefully considered.

Issue(s) to be Decided

- Whether the landlord is entitled to an order of possession;
- Whether the landlord is entitled to a monetary order.

Background and Evidence

The tenancy began on July 1, 2007. Rent in the amount of \$485.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected a security deposit from the tenant in the amount of \$242.50. The tenant failed to pay rent of \$316.42 for July and \$485.00 for August 2008.

The landlord submitted into evidence a copy of the 10 day notice to end tenancy dated August 8, 2008 which was served by posting on the tenant's door that same day. The tenant failed to pay the outstanding rent of \$801.42 within 5 days of receiving the notice, and did not apply to dispute the notice. After receiving the notice the tenant made two payments: \$402.00 on August 28 and \$200.00 on September 15, 2008. Outstanding rent and loss of income to the end of September 2008 amounts to \$684.42.

The landlord submitted into evidence the Canada Post tracking number for registered mailing on August 29, 2008 of the notice of a dispute resolution hearing package. This package was returned to the landlord and marked as unclaimed by the tenant.

Analysis

Based on the landlord's testimony and the documentary evidence, I find that the tenant was served with a ten day notice to end tenancy for unpaid rent. As the tenant has not paid the outstanding rent and did not apply to dispute the notice, he is 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.

As for the monetary order, I find the landlord has established a claim for \$642.42 in unpaid rent and lost revenue. The landlord is also entitled to recovery of the \$50.00 filing fee.

Conclusion

I hereby issue an order of possession in favour of the landlord effective two (2) days after service upon the tenant. This order must be served on the tenant. Should the tenant 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.

I hereby grant the landlord a monetary order under section 67 of the *Act* for \$692.42. This order must be served on the tenant and may be filed in the Small Claims Court and enforced as an order of that Court.

DATE: September 25, 2008