



Dispute Resolution Services

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

Decision

Dispute Codes: OP, MN, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order. Despite having been personally served with the application for dispute resolution and notice of hearing on September 3, the tenant did not participate in the conference call hearing.

Issue(s) to be Decided

Is the landlord entitled to an order of possession and a monetary order?

Background and Evidence

The landlord testified that the tenant was obligated to pay \$825.00 in rent and \$5.00 in parking in advance on the first day of each month. The landlord testified that the tenant failed to pay \$790.00 of her rent in August and that on August 7 the landlord served the tenant with a 10-day notice to end tenancy by posting the notice on her door. The tenant further failed to pay rent in September.

Analysis

Based on the landlord's undisputed testimony, I find that the tenant was served with a notice to end tenancy for non-payment of rent. The tenant has not paid the outstanding rent and has not applied for dispute resolution to dispute the notice and is 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 tenant must be served with the order of possession. 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.

As for the monetary claim, I find that the landlord has established a claim for \$790.00 in unpaid rent for August, a \$20.00 late payment fee pursuant to the terms of the tenancy agreement, \$830.00 in loss of income for September. The landlord is also entitled to recovery of the \$50.00 filing fee for a total award of \$1,690.00. I grant the landlord an order under section 67 for the sum of \$1,690.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

The landlord has been granted an order of possession and a monetary order.

Dated September 15, 2008.