



# Dispute Resolution Services

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

## **DECISION**

**Dispute Codes:** MNR, OPR, FF

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 in person on October 3, the tenant did not participate in the conference call hearing.

The tenancy began on April 15, 2008. Rent in the amount of \$610.00 is payable in advance on the first day of each month. The tenant failed to pay rent in the month of September and on September 15, the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant further failed to pay rent in the month of October.

Based on the landlord's 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 within 5 days of receipt of 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.

During the hearing, the landlord said that on October 19, the tenant paid the outstanding rent for September. The tenant is currently still living in the rental unit. The landlord is therefore seeking to claim for loss of income for the month of October in the amount of \$610.00. I find that the tenant should reasonably have known that the landlord could not re-rent the unit while he was still in residence and I allow the claim for \$610.00.

Based on the above, I find that the landlord has established a claim for \$610.00 in loss of income. The landlord is also entitled to recovery of the \$50.00 filing fee. I grant the

landlord an order under section 67 for the balance due of \$660.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated October 29, 2008.