

# Dispute Resolution Services

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

## **DECISION**

**Dispute Codes:** MNR OPR FF

### **Introduction**

This hearing dealt with an application by the landlord for an order of possession for unpaid rent and a monetary order for the recovery of rent arrears and recovery of the filing fee from the tenant for this application. Despite having been served with the application for dispute resolution and notice of hearing by November 12, 2008 the tenant did not participate in the conference call hearing.

### **Issue(s) to be Decided**

Is the notice to end tenancy valid?

Is the landlord entitled to an order of possession?

Is the landlord entitled to the monetary amounts claimed?

### **Background and Evidence**

The tenancy began on July 1, 2008. Rent in the amount of \$500 is payable in advance on the first day of each month. The tenancy is a month to month arrangement. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$250 however this amount is expressly not being sought by the landlord.

The tenant failed to pay rent in the months of August, September, and October of 2008 in the sum of \$1500.00, and on October 28, 2008 the landlord served the tenant with a notice to end tenancy for non-payment of rent, in person, on October 28, 2008. The tenant further failed to pay rent in the month of November 2008 and the landlord subsequently made application for dispute resolution for an order of possession and for monetary compensation totalling \$2050 inclusive of the filing fee.

## **Analysis**

Based on the landlord's testimony I find that the tenant was served with a notice to end tenancy for non-payment of rent and I find the notice to be valid. 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 of November 7, 2008

Based on the above facts I find that the landlord is entitled to an order of possession. I further find that the landlord has established a claim for \$2000 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee for a total of \$2050.

## **Conclusion**

I grant an order of possession to the landlord. The tenant must be served with this 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.

I grant the landlord an order under section 67 for unpaid rent and the filing fee in the sum of \$2050. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated: November 27, 2008

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Dispute Resolution Officer