

# 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 recovery the filing fee. Despite having been deemed served with the application for dispute resolution on November 2, 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 landlord has provided information that the tenant failed to pay \$675 rent for each subsequent consecutive month beginning with the month of May 2008. On August 7, 2008 the landlord served the tenants with a notice to end tenancy for unpaid rent and arrears for the months of July and August 2008 totaling \$1350. On October 23, 2008 the landlord filed for dispute resolution and cited that the tenant had failed to pay rent for October 2008 and the 3 preceding months. At the hearing I received sworn testimony by the landlord that a more accurate accounting reveals that the cheques submitted for payment of rent for June and May of 2008 were returned as non-sufficient funds (NSF).

The landlord reports that as of this date the tenants are still in the rental unit and have not paid for the month of November 2008. In total the tenants have failed to pay rent for May, June, July, August, September, October and November of 2008.

The tenancy started on April 1, 2008. There is a written tenancy agreement in place with the rental arrangements stated as month to month. At the outset of the tenancy a security deposit was collected in the amount of \$337.50.

The landlord is requesting an order of possession effective for November 30, 2008, and a monetary order in the total amount of \$4775

### **Analysis**

Based on the landlord's undisputed evidence I find the tenant did not pay rent for seven consecutive months inclusive of November 2008 and I find that the notice to end tenancy is valid.

I find that the landlord is entitled to an order of possession for failure to pay rent effective, at the landlord's request, November 30, 2008.

I find that the landlord is entitled to the recovery of the unpaid rent in the amount of \$4725 and the filing fee of \$50, for a total monetary entitlement of \$4775.

### **Conclusion**

I am granting the landlord an order of possession effective November 30, 2008.

I further order that the landlord retain the deposit and interest of \$340.88 in partial satisfaction of the monetary claim and grant the landlord a monetary order under section 67 for the balance of \$4434.12. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated: November 18, 2008

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Dispute Resolution Officer