



# 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 the landlord's application for an order of possession, a monetary order for unpaid rent and compensation for loss of rental income, and recovery of the filing fee for this application. The landlord's agent participated in the hearing and gave affirmed testimony. Despite being served by registered mail with the application for dispute resolution and notice of hearing, the tenant did not attend the hearing.

### **Issues to be Decided**

- Whether the landlord is entitled to an order of possession
- Whether the landlord is entitled to a monetary order under the *Act*

### **Background and Evidence**

The tenancy began on August 1, 1989. Currently, rent in the amount of \$247.40 is payable in advance on the first day of each month. The tenant failed to pay rent in the month of November 2008 and on November 10, 2008 the landlord served the tenant with a notice to end tenancy. The tenant further failed to pay rent for the month of December 2008.

The landlord submitted into evidence a copy of the 10 day notice to end tenancy dated November 10, 2008 which was served by posting on the tenant's door.

## **Analysis**

Based on the documentary evidence and the undisputed testimony of the landlord's agent, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent. The tenant did not pay the outstanding rent within 5 days of receiving the notice and did not apply to dispute the notice. The tenant is therefore conclusively presumed under section 39(5) of the *Act* 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 \$494.80. This amount is comprised of unpaid rent for November 2008 (\$247.40) and compensation for loss of rental income for December 2008 (\$247.40). The landlord is also entitled to recovery of the \$50.00 filing fee, bringing the total claim to \$544.80. I therefore grant the landlord a monetary order under section 60 of the *Act* for \$544.80

## **Conclusion**

I hereby issue an order of possession in favour of the landlord effective no later than **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 60 of the *Act* for **\$544.80**. 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: December 30, 2008

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Dispute Resolution Officer

