

## **DECISION**

**Dispute Codes:** OPR, MNR, 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 January 2, 2009, the tenants did not participate in the conference call hearing.

On October 1, 2008, the landlord collected a security deposit from the tenants in the amount of \$485.00. The tenancy began on the same day. Rent in the amount of \$970.00 is payable in advance on the thirty first day of each month. The tenants failed to pay rent in the month of October and on November 30, the landlord served the tenants with a notice to end tenancy for non-payment of rent. The tenants further failed to pay rent in the month of January.

Based on the landlord's testimony, I find that the tenants were served with a notice to end tenancy for non-payment of rent. The tenants have not paid the outstanding rent and have not applied for dispute resolution to dispute the notice and are 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 tenants must be served with the order of possession. Should the tenants 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.

The landlord is seeking to recover from the tenants outstanding rent of \$420.00 for October and \$485.00 for December. The tenants are currently still living in the rental unit. The landlord is therefore seeking to include a claim for loss of income for the month of January in the amount of \$970.00. I find that the tenants should reasonably have known that the landlord could not re-rent the unit while they were still in residence and I allow the claim for a further \$970.00.

Based on the above, I find that the landlord has established a claim for \$905.00 in unpaid rent and \$970.00 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 \$1925.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated January 28, 2009.