

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 due to unpaid rent, a monetary order to recover rental arrears and inclusive of recovery of the filing fee associated with this application.

Despite having been served with the application for dispute resolution and notice of hearing by personal service on December 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 January 1, 2008. The tenant was already residing in the rental unit when the current landlord moved into the building in March 2008 and January 1, 2008 is the landlord's best estimate as advised by the outgoing landlord.

Rent in the amount of \$450 is payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$225. The tenant failed to pay rent in the months of October, November and December 2008 and on December 02, 2008 the landlord served the tenant with a notice

to end tenancy for non-payment of rent. The tenant further failed to pay rent in and for the month of January 2009 and as of this hearing's date is still residing in the rental unit.

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.

Based on the above facts I find that the landlord is entitled to an order of possession. As for the monetary order, I find that the landlord has established a claim for \$1800 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee for a total claim of **\$1850**.

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 order that the landlord retain the deposit and interest of **\$228.38** in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of **\$1621.62**. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated January 08, 2009