



# Dispute Resolution Services

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

## Decision

**Dispute Codes:** CNR OPR MNR FF

## Introduction

This hearing dealt with an application by the tenant to cancel a notice to end tenancy and an application by the landlord for an order of possession and a monetary order. Both the tenant and the landlord participated in the teleconference 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 a monetary order for the amounts claimed?

## Background and Evidence

The tenancy began on October 1, 2007. Rent in the amount of \$1100 is payable in advance on the first day of each month. The tenant failed to pay rent in the month of December 2008 and on December 27, 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 the month of January 2009. The tenant and the landlord both agreed that the tenant owed rent for December 2008 and January 2009, as well as \$193.20 for 70 percent of the Terasen gas bill the landlord received in December 2008. The landlord stated in the hearing that she had received a further Terasen gas bill in January 2009, but as the tenant did not acknowledge that bill, I decline to include that amount.

## Analysis

I find that the notice to end tenancy is valid. Therefore, the landlord is entitled to an

order of possession, effective January 31, 2009.

As for the monetary order, I find that the landlord has established a claim for \$2200 in unpaid rent and lost revenue, and \$193.20 for the Terasen gas bill the landlord received in December 2008. The landlord is also entitled to recovery of the \$50 filing fee, for a total of \$2443.20.

### **Conclusion**

The tenant's application is dismissed.

The tenant must be served with the 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 \$2443.20. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated: January 27, 2009