



Dispute Resolution Services

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

DECISION AND REASONS

Dispute Codes: OPR, MNR, & FF

Introduction:

This hearing dealt with an application by the landlord for an Order of Possession and a monetary claim related to non-payment of rent by the tenant. Although the tenant was served with notice of this application and hearing by registered mail sent on January 8, 2009, he did not appear for the hearing. I consider the tenant to have been served in accordance with the *Act* and I proceeded with the hearing in his absence.

Issues to be Determined:

Has the landlord established cause to end this tenancy due to non-payment of rent?
Has the landlord established a monetary claim due to non-payment of rent?

Background and Evidence:

In the absence of any evidence from the tenant, I accept the landlord's evidence that this tenancy began on November 1, 2008 for the monthly rent of \$900.00 and a security deposit of \$450.00. The tenancy is a one year fixed term lease.

The tenant was served with a 10 day Notice to End Tenancy due to non-payment of rent on December 16, 2008 by registered mail. The tenant had five days after receiving the notice to either pay the outstanding rent or to file an application to dispute the notice. I have no evidence that the tenant exercised either of these rights. Pursuant to section 46(5) of the *Act* I find that the tenant has accepted the end of this tenancy.

On this basis I grant the landlord an Order of Possession effective **two (2) days** after it is served upon the tenant. This Order may be filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

I accept the landlord's evidence that the tenant has failed to pay rent for December 2008 and January and February 2009 for the sum of \$2,700.00. Although the landlord seeks a monetary Order for the full sum of the current rent outstanding, I find that the landlord may be able to mitigate some of their loss for February 2009 after the Order of Possession is enforced. Therefore, I find that the landlord is entitled to a monetary Order for the sum of \$3,000.00 comprised of outstanding rent for December 2008 and January 2009 for \$1,800.00, loss of rent from February 1 to 15th, 2009 for the sum of \$450.00 and the recovery of the \$50.00 filing fee paid for this application.

I grant the landlord a monetary Order for the sum of **\$3,000.00**. This Order may be filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

Conclusion:

I have accepted the landlord's application and issued an Order of Possession and a monetary Order due to the tenant's failure to pay rent.

Dated February 05, 2009.

Dispute Resolution Officer