

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 personally served with the application for dispute resolution and notice of hearing 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 as a tenancy by verbal agreement on July 15, 2008. Rent in the amount of \$1050 is payable in advance on the first day of each month. The tenant failed to pay rent in the months of November 2008 to January 2009 and on January 28, 2009 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 February and March 2009. The tenant also failed to pay utilities for this same period of time. The landlord provided testimony and some documentation to evidence the outstanding utilities in the total amount of \$836.74.

The current situation is that the tenant has moved his belongings out of the rental unit (a house and garage) and is currently occupying only the garage portion of the rental property.

Analysis

Based on the landlord's undisputed testimony I find that a tenancy exists. I also 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 \$6086.74 in unpaid rent and utilities. The landlord is also entitled to recovery of the \$50 filing fee for a quantum entitlement claim of **\$6136.74**.

Conclusion

I grant an order of possession to the landlord effective **two (2) days** after service of the order upon the tenant. The tenant must be served with this order of possession; but, the landlord has discretion as to when the order is served. 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 **\$6136.74**. If necessary, this order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated March 31, 2009