

Dispute Resolution Services

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

DECISION

Dispute Codes:

OPR, MNR

Introduction

This hearing dealt with an application by the landlord for an order of possession due to unpaid rent and a monetary order to recover rental arrears. Despite having been served with the application for dispute resolution and notice of hearing by having same posted on the tenant's door in accordance with Section 89 of the Residential Tenancy Act (the Act) 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 July 01, 2008. 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 did not collect a security deposit from the tenant. The tenant failed to pay all the rent in the month of December 2008 and did not pay any rent for the months of January to March 2009, and on March 19, 2009 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant further failed to pay rent for the month of April 2009.

Landlord seeks:

Balance for December 2008 rent	100
January 2009 rent	450
February 2009 rent	450
March 2009 rent	450
April 2009 rent	450
Total of claim	\$ 1900

The landlord also seeks an Order of Possession effective as soon as possible.

Analysis

Based on the landlord's undisputed 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 **\$1900** in unpaid rent.

Conclusion

I grant an order of possession to the landlord effective not later than **two (2) days** after service of this order upon the tenant. 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 grant the landlord a monetary order under section 67 for the amount of **\$1900**.

This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated April 21, 2009