

DECISION AND REASONS

Dispute Codes:

OPR, MNR, FF

Introduction

This hearing was convened in response to 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 March 24, 2009, in accordance with Section 89 of the Residential Tenancy Act (the Act) the tenant did not participate in the conference call hearing.

The tenant is currently still in possession of the rental unit.

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

Rent is currently in the amount of \$1400 and is payable in advance on the first day of each month. Up to and including February 2009 the rent was subsidized, and at \$340 per month. For March 2009 onward the rent has been at full market at \$1400 per month. The tenant failed to pay rent in the month(s) of November 2008, February 2008 and March 2008 and on March 3, 2009 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant further failed to pay all rent for the month of April, and all rent for the month of May. As of May 12, 2009, the quantum of the landlord's monetary claim is **\$3400**.

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 **\$3400** in unpaid rent. The landlord is also entitled to recovery of the \$50 filing fee, for a total entitlement of **\$3450**.

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 an order under section 67 for the amount of **\$3450**. This order may be filed in the Small Claims Court and enforced as an order of that Court.