

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 was convened in response to an application by the landlord for an Order of Possession due to unpaid rent, and a Monetary Order to recover rental arrears.

I accept the landlord's evidence that despite the tenant having been served with the application for dispute resolution and notice of hearing by registered mail 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 tenant still resides in the rental unit. Rent in the amount of \$1050 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 rent in the month(s) of April 2009 and on April 03, 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 May, June and July 2009. However, over the past several months the tenant has made payments totalling \$1390. The quantum of the landlord's monetary claim for all arrears is **\$2810**. The landlord further seeks an Order of Possession for as soon as possible.

Analysis

Based on the landlord's 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 an entitlement claim in the total of **\$2810** in unpaid rent.

Conclusion

I grant an Order of Possession to the landlord effective **2 days** from the day of service 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 **\$2810**. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated July 22, 2009