



Dispute Resolution Services

Residential Tenancy Branch
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 and a monetary order. Despite having been served with the application for dispute resolution and notice of hearing by registered mail on October 27, the tenant did not participate in the conference call hearing.

Issues(s) to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order as claimed?

Background and Evidence

The landlord's undisputed testimony is as follows. The tenant was obligated to pay \$378.00 per month in rent and failed to pay rent in the month of October. On October 8 the landlord served the tenant with a 10-day notice to end tenancy (the "Notice") by posting the Notice on the tenant's door. The tenant further failed to pay rent in the months of November and December. The landlord seeks an order of possession and a monetary order for unpaid rent and loss of income for October – December inclusive.

Analysis

I accept the landlord's undisputed testimony and find that the tenant was properly served with the Notice on October 8 and deemed to have received the Notice on October 11. The tenant has not paid the outstanding rent and did not apply to dispute

the Notice and pursuant to section 46(5) is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice. For these reasons I find that the landlord is entitled to an order of possession. The tenant must be served with the order of possession. If the tenant fails to vacate pursuant to the order, it may be filed in the Supreme Court and enforced as an order of that Court.

As for the monetary order, I find that the tenant has failed to pay rent in October and has caused the landlord to lose rental income for the unit in November and December. I find that the landlord is entitled to recover \$378.00 per month for each of those three months. I further find that the landlord is entitled to recover the \$50.00 filing fee paid to bring this application and I grant the landlord a monetary order under section 67 for \$1,184.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The landlord is granted an order of possession and a monetary order for \$1,184.00.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: December 08, 2009.
