

## **DECISION**

### **Dispute Codes:**

OPR, MNR, MNSD, 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 loss of revenue, and inclusive of recovery of the filing fee associated with this application, and an order to retain the security deposit in partial satisfaction of the monetary claim.

I accept the landlord's evidence that despite the tenant having been served with the application for dispute resolution and notice of hearing by personal service 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 April 08, 2008. Rent in the amount of \$750 is payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit and a pet security deposit from the tenant in the total amount of \$750. The tenant failed to pay rent in the month(s) of December 2009 and on December 02, 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 January 2010.

The quantum of the landlord's monetary claim is for the unpaid rent of **\$1500**. At the time of this hearing it is the landlord's determination that the tenant still resides in the rental unit, and thus requests 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 a claim for **\$1500** in unpaid rent. The landlord is also entitled to recovery of the \$50 filing fee, for a total entitlement of **\$1550**.

The landlord's request for loss of revenue for February 2010 is premature and therefore dismissed with leave to reapply. The landlord is at liberty to reapply, if necessary, for loss of revenue for February 2010.

### **Conclusion**

**I grant** an Order of Possession to the landlord effective 2 days from the day it is deemed served.. 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 order** that the landlord retain the deposit and interest of \$758.48 in partial satisfaction of the claim and I grant the landlord an order under Section 67 of the Act for the balance due of **\$791.52**. This order may be filed in the Small Claims Court and enforced as an order of that Court.

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: January 26, 2010

---