

DECISION

Dispute Codes:

CNR, OPR, MNR, MNDC, FF

Introduction

This hearing of cross applications 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; *and*, an application by the tenant to Cancel a Notice to End for Unpaid Rent.

Despite the tenant having filed for dispute resolution and given the hearing date and hearing time, and also having been served by the landlord with their application for dispute resolution and notice of hearing by registered mail, concurrently convened, the tenant did not participate in the conference call hearing. The landlord provided evidence of registered mail service.

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 December 01, 2009. Rent in the amount of \$900 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 all of rent in the month of December 2009, paid no rent for January, February, March or April 2010 and on April 13, 2010 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 and June 2010. The quantum of the landlord's monetary claim is **\$5580**. The landlord further requests an immediate **Order of Possession**.

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 although they applied for dispute resolution to dispute the

notice they failed to defend their application or provide any evidence upon which to dispute it. As a result, the tenant's application is **dismissed** without leave to reapply.

Based on the above facts and the merits of the landlord's application I find that the landlord is entitled to an **Order of Possession**.

I find that the landlord has established a claim for **\$5580** in unpaid rent. The landlord is also entitled to recovery of the \$50 filing fee, for a total entitlement of **\$5630**.

Conclusion

The tenant's application is **dismissed** without leave to reapply.

I grant an Order of Possession to the landlord **effective 2 days** from the day it is 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 grant the landlord an order under Section 67 of the Act for the amount of **\$5630**. If necessary, 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*.