



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      OPR, MNR, MNDC, FF

### Introduction

This was an application by the landlord for a monetary order and an order for possession. The hearing was conducted by conference call. The landlord's representative and the tenant participated in the hearing.

### Issues(s) to be Decided

Is the landlord entitled to an order for possession?

Is the landlord entitled to a monetary order and if so, in what amount.

### Background and Evidence

The tenancy began on November 1, 2009 and runs from month to month with rent initially in the amount of \$458.00 due in advance on the first day of each month. As of October 1, 2010 the monthly rent, which is tied to income has been reduced to \$242.00 per month. The tenant did not pay a security deposit.

Based on the testimony of the landlord's representative, given under solemn affirmation I find that the tenant was served with a Notice to End Tenancy for non-payment of rent by posting on September 3, 2010. The tenant has not paid the outstanding rent and has not applied to dispute the Notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice. The landlord's representative has agreed to accept an order for possession effective November 15, 2010.

Analysis and conclusion

Based on the above facts I find that the landlord is entitled to an order for possession effective November 15, 2010 after service on the tenant. This order may be filed in the Supreme Court and enforced as an Order of that Court. The landlord's representative said at the hearing that the landlord might exercise its discretion to reinstate the tenancy if the tenant was able to make a substantial lump sum payment, in the order of \$1,000,00, on account of the rental arrears.

The tenant has not paid the rent that was due on August 1, 2010 and she has not paid rent for September or October, 2010. I find that the landlord has established a claim for unpaid rent totalling \$1,158.00 for the said months. Because the tenancy will not end until November 15, 2010, the landlord is entitled to loss of revenue for November in the Amount of \$242.00. The landlord is entitled to recover the \$50.00 filing fee for this application for a total claim of \$1,450.00 and I grant the landlord an order under section 67 in the said amount. This order may be filed in the Small Claims Court and enforced as an order of that Court.