



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 hearing dealt with an application by the landlord for an order of possession for unpaid rent, a monetary order for unpaid rent, compensation for damage or loss and recovery of the filing fee. The landlord participated in the conference call hearing but the tenant did not. The landlord presented evidence that the tenant was served with the application for dispute resolution and notice of hearing. I found that the tenant had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence.

Issue to be Decided

Is the landlord entitled to any of the above under the Act.

Summary of Background and Evidence

This tenancy started on May 1, 2010 with monthly rent of \$1300.00 and the tenant paid a security deposit of \$650.00. On September 20, 2010 the landlord served the tenant with a Notice to End Tenancy for Unpaid Rent.

The landlord testified that rent remains unpaid for the months of July, August, September, October and November 2010 in the amount of \$6500.00. The landlord also stated that the City of Langley By-law enforcement has written 3 tickets against the property for illegal burning by sub-let tenants and these infractions total \$700.00. The landlord is seeking a monetary claim totalling \$7200.00.

The landlord testified that the tenant has sublet the rental unit without his consent per item 8 of the signed tenancy agreement. The sub-let tenants advised the landlord that the tenant has been accepting \$1300 rent from them for each month they have been in the rental unit however to date the tenant has not paid any rent to the landlord.



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Analysis

Based on the documentary evidence and testimony I find that the tenant was properly served with a notice to end tenancy for non-payment of rent. The tenant did not pay the outstanding rent within 5 days of receiving the notice and did not apply 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 \$7200.00 in unpaid rent and utilities. The landlord is also entitled to recovery of the \$50.00 filing fee.

Conclusion

I hereby grant the Landlord an **Order of Possession** effective not later than **1:00 pm, November 30, 2010**. This Order must be served on the Tenant and All Occupants and may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

I find that the landlord has established a monetary claim for \$7200.00. The landlord is also entitled to recovery of the \$50.00 filing fee. I order the Landlord pursuant to s. 38(4) of the Act to keep the Tenant's \$650.00 security deposit in partial satisfaction of the claim and I grant the landlord a monetary order under section 67 for the balance due of \$6600.00 ($\$7200.00 + \$50.00 = \$7250.00 - \$650.00 = \6600.00)

Pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the landlord in the amount of **\$6600.00**. If the amount is not paid by the tenant, the order may be filed in the Provincial (Small Claims) Court of British Columbia 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: November 15, 2010

Dispute Resolution Officer