



Dispute Resolution Services

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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 for unpaid rent, a monetary order for unpaid rent and recovery of the \$50.00 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 by posting it to the tenant's door. 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.

Issues 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 \$1100.00 and the tenant did not pay a security deposit. On September 8, 2010 the landlord served the tenant with a Notice to End Tenancy for Unpaid Rent.

The landlord testified that tenant still occupies the unit but has not taken any steps towards paying the past due rent. The landlord testified that the tenant currently owes \$6800.00 in unpaid rent.

May 2010 -	\$1100.00
June 2010 -	\$1100.00
July 2010 -	\$200.00 (\$900.00 paid)
August 2010 -	\$1100.00
September 2010 -	\$1100.00
October 2010 -	\$1100.00
November 2010 -	\$1100.00
Total rent owing -	\$6800.00



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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 \$6800.00 in unpaid rent and damages. The landlord is also entitled to recovery of the \$50.00 filing fee.

Conclusion

I hereby grant the Landlord an **Order of Possession**, effective **2 days** after service of the Order upon the Tenant. This Order must be served on the Tenant 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 \$6800.00. The landlord is also entitled to recovery of the \$50.00 filing fee.

Pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the landlord in the amount of **\$6850.00**. 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 5, 2010

Dispute Resolution Officer