



Dispute Resolution Services

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 and a monetary order. Despite having been served with the application for dispute resolution and notice of hearing by registered mail on November 24, the tenant did not participate in the conference call hearing.

Issues to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order for unpaid rent and loss of income?

Background and Evidence

The landlord's undisputed testimony is as follows. The tenant is obligated to pay \$700.00 per month in rent in advance on the first day of each month. The tenant failed to pay rent in the month of November and on November 15 the landlord personally served on the tenant a notice to end tenancy. The tenant did not vacate the rental unit pursuant to the notice to end tenancy and further failed to pay rent in the month of December.

Analysis

Based on the landlord's undisputed testimony, I find that the tenant was 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. The tenant must be served with the 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.

As for the monetary order, I accept the landlord's undisputed testimony and find that the tenant failed to pay rent in the month of November and that she failed to vacate the rental unit pursuant to the notice to end tenancy thereby preventing the landlord from re-renting the unit in December. I find that the landlord is entitled to recover rent for November and lost income for December as well as the \$50.00 filing fee paid to bring this application and I grant the landlord an order under section 67 for \$1,450.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The landlord is granted an order of possession and a monetary order for \$1,450.00.

Dated: December 13, 2010

Dispute Resolution Officer