



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes:

OPR, MNR, MNDC, FF

Introduction

This hearing was convened in response to an application by the landlord pursuant to the *Residential Tenancy Act* for Orders as follows:

1. An Order of Possession - Section 55;
2. A Monetary Order for unpaid rent / money owed for loss - Section 67;
3. An Order to recover the filing fee for this application - Section 72.

I accept the landlord's evidence that despite the tenant having been served with the application for dispute resolution and notice of hearing by registered mail in accordance with Section 89 of the Residential Tenancy Act (the Act) the tenant did not participate in the conference call hearing. The landlord was given full opportunity to be heard, to present evidence and to make submissions.

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 February 01, 2003 and the tenant continues to reside in the rental unit. Rent in the amount of \$895 is payable in advance on the first day of each month. The tenant failed to pay rent in the month of December 2010 and on December 02, 2010 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant subsequently paid \$435 toward rent arrears. The tenant further failed to pay rent in the month of January 2011. The landlord requests an Order of Possession effective as soon as possible. The landlord's total monetary claim is for the unpaid portion of December rent of \$460 plus January rent of \$895 for a total of \$1355, and late fees totalling \$40, for a total claim of **\$1395**. The landlord has specifically not requested the security deposit.

Analysis

Based on the testimony of the landlord 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 did not pay the outstanding rent and has not applied 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**.

I find that the landlord has established a monetary claim for \$1395 in unpaid rent and late fees. The landlord is further entitled to recovery of the \$50 filing fee, for a total entitlement of **\$1445**.

Calculation for Monetary Order

Rental Arrears	\$1355.00
Late fee x 2	\$40.00
Filing Fees for the cost of this application	50.00
Total Monetary Award	\$1445.00

Conclusion

I grant an Order of Possession to the landlord **effective 2 days from the day it is served on the tenant**. 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 **\$1445**. 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*.