



# Dispute Resolution Services

Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      OPQ, MNR, 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 December 15, the tenant did not participate in the conference call hearing.

At the hearing the landlord asked to amend his application to include a claim for loss of income for the months of December and January. I find that the tenant should reasonably have known that the landlord could not re-rent the unit while she was residing therein and I permit the amendment.

### 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 tenancy began on or about April 1, 2004. The tenant's rent contribution is \$218.00 per month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$570.50. On November 17 the landlord sent to the tenant by registered mail a 2 month notice to end tenancy for ceasing to qualify for subsidized housing. The tenant did not dispute the notice. The tenant failed to pay \$122.00 of her rent in the month of November and paid no rent whatsoever in the months of December and January.

### Analysis

I accept the landlord's undisputed testimony and I find that the tenant was served with a notice to end tenancy for ceasing to qualify for subsidized housing. The tenant 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 effective February 1, 2011. 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 find that the landlord has established a claim for \$558.00 in unpaid rent and loss of income which represents \$122.00 for November and \$218.00 for each of the months of December and January. The landlord is also entitled to recovery of the \$50.00 filing fee for a total entitlement of \$608.00. I order that the landlord retain the \$570.50 deposit and the \$20.19 in interest which has accrued to the date of this judgment in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$17.31. 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 \$17.31. The landlord may retain the security deposit.

Dated: January 06, 2011

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