



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order. Both parties participated 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 facts were not in dispute. The tenant is obligated to pay \$995.00 per month in rent. The tenant failed to pay \$335.00 of his rent in October and paid no rent whatsoever in the month of November. On November 20 the landlord served the tenant with a notice to end tenancy. The tenant failed to pay any rent in the months of December and January but shortly before the hearing made a \$400.00 payment toward arrears.

Analysis

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.

I find that the landlord has established a claim for \$3,905.00 which represents \$950.00 in rent for November and \$995.00 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

\$3,955.00. I grant the landlord an order under section 67 for \$3,955.00. 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 \$3,955.00.

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: January 18, 2011

Residential Tenancy Branch