



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. Despite having been served with the application for dispute resolution and notice of hearing by registered mail on December 22, the tenants 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 tenants were obligated to pay \$1,680.00 per month in rent in advance on the first day of each month. The tenants failed to pay rent in the months of November and December and on December 10 the landlord served the tenants with a notice to end tenancy by posting the notice to the door of the rental unit. The tenant further failed to pay rent in the month of January.

Analysis

I accept the landlord's undisputed testimony and I find that the tenants were served with a notice to end tenancy for non-payment of rent. The tenants 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 are 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 tenants must be served with the order of possession. Should the tenants 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 tenants were obligated to pay \$1,680.00 in rent for each of the months of November and December and failed to do so. I further find that because the tenants did not vacate the rental unit pursuant to the notice to end tenancy, the landlord was unable to re-rent the unit and suffered a loss of income for January in the amount of \$1,680.00. I find that the landlord has established a claim for \$5,040.00 in unpaid rent. The landlord chose to limit his claim to \$5,000.00 so I consider the amount over what was claimed to have been abandoned. The landlord is also entitled to recovery of the \$50.00 filing fee. I grant the landlord an order under section 67 for \$5,050.00. 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 \$5,050.00.

Dated: January 14, 2011

Dispute Resolution Officer