



# Dispute Resolution Services

Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## DECISION

Dispute Codes      OPR, OPC, MNR, FF

### Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order. The tenant did not participate in the conference call hearing. The landlord testified that he served the tenant with the application for dispute resolution and notice of hearing by posting those documents on the door of the rental unit on February 10, 2011. The landlord further testified that the following day, the tenant verbally confirmed that he had received those documents. Although service of a claim for a monetary order is not considered proper service under section 89(1) of the Act, section 71(2)(c) of the Act permits me to find that this service is effective for the purposes of the Act. As the tenant confirmed receipt of the documents, I found that he had indeed been served with notice of the claim made against him and the hearing proceeded in his absence.

### 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. Rent in the amount of \$750.00 is payable in advance on the first day of each month. On January 1, 2011 the landlord personally served the tenant with a one month notice to end tenancy for cause.

The tenant failed to pay \$365.00 of his rent in the month of January 2011 and on January 17 the landlord served the tenant with a notice to end tenancy. The tenant further failed to pay rent in the month of February.

### Analysis

I accept the landlord's undisputed testimony and I find that the tenant was served with a notice to end tenancy for cause on January 1 and a notice to end tenancy for non-payment of rent on January 17. The tenant did not pay the outstanding rent within 5 days of receiving the January 17 and did not apply for dispute resolution to dispute either of the notices and is therefore conclusively presumed to have accepted that the

tenancy ended on the effective dates of the notices. The notice to end tenancy for unpaid rent gives an effective date of January 27 and I find that the tenancy ended on that date. 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 find that the tenant failed to pay \$365.00 of his rent in the month of January 2011 and because he failed to vacate the rental unit pursuant to the notice to end tenancy, he caused the landlord to lose \$750.00 in income for the month of February. I find that the landlord has established a claim for \$1,115.00 in unpaid rent and loss of income. The landlord is also entitled to recovery of the \$50.00 filing fee. I grant the landlord an order under section 67 for \$1,165.00. 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 \$1,165.00.

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: February 17, 2011

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Residential Tenancy Branch