



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      FF, MNR

### Introduction

This hearing dealt with an application by the landlord for a monetary order for unpaid rent or utilities. The landlord participated in the conference call hearing but the tenant did not. The landlord presented evidence that the tenant was served with the application for dispute resolution and notice of hearing by giving it to her personally on February 17, 2011. I found that the tenant had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence. The landlord gave affirmed evidence.

### Issues to be Decided

Is the landlord entitled to a monetary order for unpaid rent?

### Background and Evidence

The tenancy began on or about July 15, 2009. Rent in the amount of \$2200.00 is payable in advance on the first day of each month. The landlord provided evidence and testified that the tenant has failed to pay the rent on time and in full since she first moved in. The tenant has made partial payments throughout the tenancy but has accumulated an outstanding balance of \$24,900.00. Several attempts were made by both parties to work out a payment plan but the tenant was unable to clear her debt and the landlord served a Notice to End Tenancy for Unpaid Rent on April 2, 2011. The landlord also testified that he and the tenant have agreed that she will vacate the unit on May 31, 2011.

### Analysis

I accept the landlord's undisputed testimony and 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.

As for the monetary order, I find that the landlord has established a claim for \$24,900.00 in unpaid rent. The landlord is also entitled to recovery of the \$100.00 filing fee. I grant the landlord an order under section 67 for the balance due of \$25,000.00. 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 \$25,000.00.

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: April 19, 2011.

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Residential Tenancy Branch