



# Dispute Resolution Services

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 personally served with the application for dispute resolution and notice of hearing on April 5, the tenant 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 tenancy began on or about February 1, 2010 and at that time, rent was set at \$450.00 per month, payable in advance on the first day of each month. In December the tenant invited another person to share the rental unit with her and the landlord advised her that starting in January 2011, she would need to pay \$550.00 per month for rent. The tenant paid \$100.00 in rent for the month of January and paid no rent whatsoever in the months of February and March. On March 18, 2011 the landlord served the tenant with a 10-day notice to end tenancy for unpaid rent. The tenant further failed to pay rent in the month of April.

### Analysis

I accept the landlord's undisputed testimony and I find that the tenant failed to pay all of the rent that was owing in the months of January – March. I find that she 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.

As for the monetary order, I find that the rent increase the landlord attempted to impose is illegal and therefore the rent owing for the months of January – April is \$450.00 per month. I find that the tenant failed to pay \$350.00 of her rent in the month of January and paid no rent in the months of February – April inclusive. I find that the landlord has established a claim for \$1,700.00 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee. I grant the landlord an order under section 67 for \$1,750.00. 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 \$1,750.00.

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