

DECISION

Dispute Codes: OPR and MNR

Introduction

This application was brought by the landlord on May 17, 2011 seeking an Order of Possession pursuant to a 10-day Notice to End Tenancy for unpaid rent served in person on May 10, 2011. The landlord also sought a Monetary Order for the unpaid rent.

Despite having been served with the Notice of Hearing served in person on May 17, 2011, the tenant did not call in to the number provided to enable his participation in the telephone conference call hearing. Therefore, it proceeded in his absence.

Issues to be Decided

This application requires a decision on whether the landlord is entitled to an Order of Possession and a Monetary Order for the unpaid rent.

Background and Evidence

This tenancy began on December 1, 2010. Rent is \$695 per month.

During the hearing, the landlord gave evidence that the tenant had remained in the rental unit after arriving there to assist his parents in relocating to a care facility. He said the tenant had signed a new rental agreement and a Form K (*Strata Property Act* Notice of Tenants Responsibilities) on December 9, 2010.

The landlord stated that, despite ongoing promises to do so, the tenant had paid no further rent since.

The landlord claims rent for each of the six months from January through to June of 2011.

Analysis

Section 26 of the *Act* provides that tenants must pay rent when it is due. Section 46 of the *Act* provides that a landlord may issue a Notice to End Tenancy for unpaid rent on a day after the rent is due. The tenant may cancel the notice by paying the overdue rent or make application to dispute the notice within five days of receiving it.

In this instance, I find that the tenant did not make application to dispute the notice and I accept the evidence before me that the rent was not paid within five days of receipt of the notice.

Therefore, under section 46(5) of the *Act*, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date under the Notice to End Tenancy which was May 21, 2011.

In consequence, I find that the landlord is entitled to an Order of Possession effective two days from service of it on the tenant.

I further find that the landlord is entitled to a Monetary Order for the unpaid rent as follows:

| | |
|---------------|-------------------|
| January 2011 | \$ 695.00 |
| February 2011 | 695.00 |
| March | 695.00 |
| April | 695.00 |
| May | 695.00 |
| June | 695.00 |
| TOTAL | \$4,170.00 |

Conclusion

The landlord's copy of this decision is accompanied by an Order of Possession, enforceable through the Supreme Court of British Columbia, to take effect two days from service of it on the tenant.

The landlord's copy of this decision is accompanied by a Monetary Order for **\$4,170.00.00**, enforceable through the Provincial Court of British Columbia, for service on the tenant.

June 9, 2010