

DECISION

Dispute Codes FF, MNR, OPR, AAT, AS, LAT, MNDC, MNR

Introduction

This hearing dealt with cross applications. The landlord is seeking an order of possession and a monetary order. The tenant is seeking an order to change the locks, an order to limit the access for the landlord, an order to reduce the rent and a monetary order as compensation for repairs made by the tenant. The landlord participated in the teleconference hearing, the tenants did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing by personal service on June 17, 2011. I found that the tenants 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 either party entitled to any or all of the above under the Act, the regulations or the tenancy agreement?

Background and Evidence

At the outset of the hearing the landlord advised that he had already obtained an order of possession through another hearing and did not require one to be granted during this hearing; accordingly I dismiss that portion of his application. The tenancy began on or about October 1, 2008. Rent in the amount of \$900.00 is payable in advance on the first day of each month. The tenant failed to pay rent in the month(s) of June and on June 3, 2011 the landlord served the tenant with a notice to end tenancy.

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 \$900.00 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 the balance due of \$950.00. 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 a monetary order for \$950.00.

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: June 28, 2011.

Residential Tenancy Branch