



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNDC, 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 August 19, 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 evidence is as follows. The tenant is obligated to pay \$1,250.00 per month in rent in advance on the first day of each month. The tenant failed to pay rent in the month of August and on August 2 the landlord served the tenant with a notice to end tenancy by posting the notice on the door of the rental unit. The tenant further failed to pay rent in the month of September.

The landlord seeks to recover rent for August, loss of income for September and October, late payment fees of \$20.00 for each of those months pursuant the terms of the tenancy agreement and the \$50.00 filing fee paid to bring this application.

Analysis

I accept the landlord's undisputed testimony and I find that the tenant did not pay rent for the month of Aug and on August 2 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 landlord is entitled to recover the unpaid rent for the month of August, lost income for the month of September, the late payment fee for the month of August and the \$50.00 filing fee paid to bring this application. I award the landlord \$2,570.00. I dismiss the claim for \$20.00 late payment fees for September and October as the tenancy ended in August and the the tenant's contractual obligations ended with the tenancy. I dismiss the claim for loss of income for October with leave to reapply in the event that the landlord is unable to re-rent the unit for that month.

I grant the landlord an order under section 67 for \$2,570.00. 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 \$2,570.00.

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: September 21, 2011

Residential Tenancy Branch