



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

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. Both parties participated 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 facts are not in dispute. The tenant is obligated to pay \$1,125.00 in rent in advance on the first day of each month. The tenant failed to pay his rent on August 1 and on August 2 was served with a 10 day notice to end tenancy. The tenant claimed that he offered to make a partial payment on or about August 10, but the landlord declined.

The landlord seeks to recover \$1,125.00 in arrears for August, \$1,125.00 in loss of income for September and the \$50.00 filing fee paid to bring this application.

Analysis

I find that the tenant did not pay rent for the month of August 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 \$1,125.00 in unpaid rent for the month of August, the \$1,125.00 in lost income for September and the

\$50.00 filing fee paid to bring this application. I grant the landlord an order under section 67 for \$2,300.00. 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 \$2,300.00.

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