



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, OPC, MND, MNR, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession for unpaid rent, an order of possession for cause, a monetary order for damage to the unit, a monetary order for unpaid rent and recovery of the filing fee.

The landlord participated in the conference call hearing but the tenant did not. The landlord presented evidence that the tenant was served with the application for dispute resolution and notice of hearing in person. I found that the tenant 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.

Issue(s) to be Decided

Is the landlord entitled to any of the above under the Act.

Background and Evidence

The tenant pays monthly rent of \$500.00, the landlord does not hold a security deposit.

On September 2, 2011 the landlord served the tenant with a 10 Day Notice to End Tenancy for Unpaid Rent, the tenant has not filed to dispute this notice.

On August 29, 2011 the landlord served the tenant with a 1 Month Notice to End Tenancy for Cause, the tenant has not filed to dispute this notice.

- Rental unit/site must be vacated to comply with a government order.

The landlord testified that the tenant has not paid the September or October 2011 rent and currently owes the landlord \$1000.00 in unpaid rent. The landlord also stated that he has been given an order by the city for an illegal suite and for the landlord to comply with this order all the cooking facilities must be removed and the electrical breaker controlling the range removed from the rental unit that the tenant occupies.

As the tenant remains in the rental unit the landlord has requested an order of possession effective 2 days after service upon the tenant.

Analysis

Based on the documentary evidence and testimony I find that the tenant was properly 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 and a monetary order for unpaid rent.

Accordingly I find that the landlord is entitled to a monetary order for \$1000.00.

The landlord is also entitled to an order of possession for cause based on the city's order to comply for the illegal rental unit.

As the landlord has been successful in their application the landlord is entitled to recovery of the \$50.00 filing fee.

Conclusion

I hereby grant the landlord an **Order of Possession**, effective **2 days** after service of the Order upon the tenant. This Order must be served on the tenant and may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

I find that the landlord has established a monetary claim for \$1000.00 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee. I grant the landlord a monetary order under section 67 for the amount of **\$1050.00**.

If the amount is not paid by the tenant, the Order may be filed in the Provincial (Small Claims) Court of British Columbia and enforced as an order of that court.

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: October 4, 2011.

Residential Tenancy Branch