



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC MNR FF

Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order for unpaid rent. Despite having been served with the application for dispute resolution and notice of hearing by registered mail on September 13, 2011, the tenant did not participate in the conference call hearing.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?
Is the landlord entitled to a monetary order?

Background and Evidence

The tenancy began on April 15, 2011. Rent in the amount of \$975 is payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$487.50. On August 30, 2011 the landlord served the tenant with a notice to end tenancy for cause. The tenant did not apply to cancel the notice to end tenancy. Further the tenant failed to pay rent in the months of September and October 2011. The landlord has claimed \$1950 in unpaid rent.

Analysis

Based on the landlord's testimony I find that the tenant was served with a notice to end tenancy for cause and has not applied for dispute resolution to dispute the notice. The tenant 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.

As for the monetary order, I find that the landlord has established a claim for \$1950 in unpaid rent. The landlord is also entitled to recovery of the \$50 filing fee.

Conclusion

I grant the landlord an order of possession effective two days from service. 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.

The landlord is entitled to \$2000. I order that the landlord retain the security deposit of \$487.50 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1462.50. This order may be filed in the Small Claims Court 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 3, 2011.

Residential Tenancy Branch