



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** OPR, MNR, MNDC, FF

### **Introduction**

This hearing was convened in response to an application by the landlord pursuant to the *Residential Tenancy Act* (the Act) for Orders as follows:

1. An Order of Possession - Section 55;
2. A Monetary Order for unpaid rent - Section 67;
3. An Order for damage or loss under the Act – section 67
4. An Order to recover the filing fee for this application - Section 72.

I accept the landlord's evidence that despite the tenant having been served with the application for dispute resolution and notice of hearing by registered mail on October 25, 2011 in accordance with Section 89 of the Residential Tenancy Act (the Act) the tenant did not participate in the conference call hearing.

The landlord was given full opportunity to be heard, to present evidence and to make submissions.

### **Issue(s) to be Decided**

Is the notice to end tenancy valid?

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to the monetary amounts claimed?

### **Background and Evidence**

The tenancy began on March 15, 2011. Rent in the amount of \$720 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 \$360. The tenant failed to pay rent by the due date in the month of October 2011 and on October 02, 2011 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant has since paid rent toward the arrears on October 14<sup>th</sup>. (\$100), 19<sup>th</sup>. (\$87) and 27<sup>th</sup>. (\$850) and at the end of October the tenant was in a credit position with the landlord. The landlord subsequently received an additional amount of rent on November 01, 2011, in the amount of \$105, however, the rent arrears and a late charge to this date total \$338. The quantum of the landlord's monetary claim is for **\$338**.

### **Analysis**

Based on the landlord's testimony I find that the tenant was served with a notice to end tenancy for non-payment of rent and I find the notice to be valid. The tenant has not paid all of the outstanding rent and has not applied 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**.

I also find that the landlord has established a monetary claim for **\$343** in unpaid rent and late fees. The landlord is also entitled to recovery of the \$50 filing fee, for a total entitlement of **\$393**. **Calculation for Monetary Order is as follows:**

Rental Arrears to October 02, 2011 – including \$20 late fee	\$740.00
Rent payment October 14, 2011	-\$100.00
Rent payment October 19, 2011	-\$87.00
Rent payment October 27, 2011	-\$850.00
Rent for November 2011	\$720.00
Rent paid November 01, 2011	-\$100.00
Late fee for November 2011	\$20.00
Filing Fees for the cost of this application	50.00
<b>Total Monetary Award</b>	<b>\$393.00</b>

### **Conclusion**

**I grant** an Order of Possession to the landlord **effective 2 days from the day it is served on the tenant**. The tenant must be served with this **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.

I grant the landlord an Order under Section 67 of the Act for the amount of **\$393**. If necessary, 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: November 15, 2011.

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Residential Tenancy Branch