



Dispute Resolution Services

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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 for unpaid rent, a monetary order for unpaid rent, money owed or compensation due to damage or loss 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 by registered mail RW 006174490 CA. 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

This tenancy began May 16, 2010 with monthly rent of \$1000.00; the tenant paid a security deposit of \$500.00 and is responsible for the hydro bill.

On November 11, 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.

The landlord stated that the tenant owes the landlord \$700.00 unpaid rent for November 2011 and \$1000.00 unpaid rent for December 2011. The landlord stated that the tenant has also not paid the utility bill and currently owes the landlord \$1245.00 in unpaid utilities. The landlord stated that they met with the tenant, provided him with copies of the hydro bill, the tenancy agreement which notes the tenant is responsible for the hydro bill and provided the tenant with a demand for the unpaid utilities.

The landlord stated that the tenant was seen removing some of his belonging from the rental unit but that he is not sure if the tenant has completely vacated the rental unit.

The landlord in this application is seeking \$2945.00 compensation for the unpaid rent and utilities and an order of possession for the rental unit effective 2 days after service upon the tenant.

Analysis

Based on the documentary evidence and undisputed testimony of the landlord I find that the tenant was properly served with a notice to end tenancy for non-payment of rent and utilities. The tenant did not pay the outstanding rent and or utilities 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 and utilities.

Accordingly I find that the landlord is entitled to a monetary order for \$2945.00.

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(s). This Order must be served on the tenant(s) 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 \$2945.00 in unpaid rent and utilities. 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 **\$2995.00**.

If the amount is not paid by the tenant(s), 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: December 13, 2011.

Residential Tenancy Branch