



# 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 landlords for an order of possession and a monetary order. Despite having been served with the application for dispute resolution and notice of hearing by registered mail on November 16, the tenant did not participate in the conference call hearing.

### Issue 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 landlords' undisputed evidence is as follows. The tenant is obligated to pay \$850.00 per month in rent in advance on the first day of each month. The tenant failed to pay \$30.00 of the rent due in October 2011 and failed to pay any rent whatsoever in the month of November 2011. On November 3, 2011 the landlord personally served the tenant with a notice to end tenancy. The tenant further failed to pay rent in the month of December.

### Analysis

I accept the landlords' undisputed testimony and I find that the tenant did not pay \$30 of his rent in October and failed to pay rent in November and on November 3 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 landlords are entitled to recover the \$880.00 in arrears outstanding at the time the notice was served as well as the \$50.00 filing fee paid to bring this application. Although the landlords applied for \$850.00 in lost income for December, as I have ordered that the tenant vacate the unit, I award the landlords \$425.00 in lost income representing income which would have been received from December 1 – 15. The claim for lost income for December 16 – 31 is dismissed with leave to reapply in the event the landlords are unable to secure another tenant. I grant the landlords an order under section 67 for \$1,355.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

### Conclusion

The landlords are granted an order of possession and a monetary order for \$1,355.00.

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: December 01, 2011

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Residential Tenancy Branch