



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 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 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 in person 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

In this tenancy rent in the amount of \$475 is payable in advance on the first day of each month. The tenant failed to pay rent in the month(s) of November 2011 and on December 01, 2011 the landlord served the tenant with a notice to end tenancy for non-payment of rent and for \$90 in outstanding utilities. The tenant further failed to pay rent in the month of December 2011 and failed to pay rent for the month of January 2012.

The sum of the landlord's monetary claim is for unpaid rent and utilities in the amount of \$1515.

The landlord submitted a copy of the 10 day Notice to End Tenancy for Unpaid Rent. I do not have benefit of a copy of a tenancy agreement, or proof of the issues pertaining to utilities in this matter.

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 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 **\$1425** in unpaid rent. With respect to the landlord's claim for utilities I am not satisfied, based on the evidence presented by the landlord, that the tenant agreed to pay utilities or that the utilities claimed are unpaid. That portion of this claim is therefore **dismissed**, without leave to reapply.

The landlord is entitled to recovery of the **\$50** filing fee, for a total entitlement of **\$1475**.

Calculation for Monetary Order

Rental Arrears for November and December 2011	\$950.00
Filing Fees for the cost of this application	50.00
Total Monetary Award	\$1475.00

Conclusion

I grant an Order of Possession to the landlord **effective 2 days from the day it is served**. 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 a monetary order under Section 67 of the Act for the amount of **\$1475**. 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: January 04, 2012

Residential Tenancy Branch