



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, OPB, MNR, FF

### Introduction

This hearing dealt with an application by the landlord for an order of possession for unpaid rent or utilities, an order of possession for breach of the tenancy agreement, a monetary order for unpaid rent or utilities 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. 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 October 2011 with monthly rent of \$950.00 and the tenant paid a security deposit of \$475.00, the tenant did not pay the pet damage deposit.

On January 4, 2012 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 fell behind in the rent and agreed to make payments to the landlord but has not done so. The landlord stated that on January 18, 2012 the tenant gave the landlord notice to vacate with a February 29, 2012 end of tenancy date.

The landlord stated that the tenancy agreement notes that the tenant is to pay 1/3 of the monthly utilities but that the tenant has not done so. The landlord stated that the tenant currently owes the landlord \$950.00 January 2012 rent, \$950.00 February 2012 rent, \$188.61 December utilities and \$148.27 January utilities for a total of \$2236.88 owing to the landlord.

The landlord stated that although the tenant has given notice to vacate February 29, 2012 the landlord is still seeking an order of possession for unpaid rent.

The landlord is no longer seeking an order of possession for breach of the tenancy agreement therefore that portion of the landlord's application is dismissed.

### Analysis

Based on the documentary evidence and testimony of the parties I find that the tenant was properly 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 and a monetary order for unpaid rent and utilities.

Accordingly I find that the landlord is entitled to a monetary order for \$2236.88.

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 \$2236.88 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 **\$2286.88**.

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: February 21, 2012

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Residential Tenancy Branch