



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

This hearing dealt with an application by the landlord for an order of possession for unpaid rent and a monetary order for unpaid rent. Both parties participated in the conference call hearing.

Issue(s) to be Decided

Is the landlord entitled to any of the above under the Act.

Background and Evidence

This tenancy began October 15, 2010 with monthly rent of \$1500.00.

On January 7, 2012 the landlord served the tenants with a 10 Day Notice to End Tenancy for Unpaid Rent.

The landlord testified that the tenant has continually fallen behind in the rent and currently owes the landlord \$9050 in unpaid rent. The landlord stated that he has made numerous attempts to talk to the tenant about the rent but the tenant either tells him he will call the landlord to discuss the issue and never does or that he will pay the landlord 'soon'. The landlord also stated that the tenants did not pay a security deposit.

The landlord stated that as the tenants remain in the rental unit with the rent unpaid that he landlord is requesting an order possession effective 2 days after service upon the tenants. The landlord is also seeking a monetary order for \$9050.00 in unpaid rent.

Analysis

Based on the documentary evidence and testimony of the parties, I find that the tenants were properly served with a notice to end tenancy for non-payment of rent. The tenants 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.

Accordingly I find that the landlord is entitled to a monetary order for \$9050.00.

As the landlord has been successful in their application the landlord is entitled to recovery of the \$100.00 filing fee.

Conclusion

I find that the landlord has established a monetary claim for \$9050.00 in unpaid rent. The landlord is also entitled to recovery of the \$100.00 filing fee. I grant the landlord a monetary order under section 67 for the full amount due of **\$9150.00**.

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: February 15, 2012

Residential Tenancy Branch