



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNSD, MNDC, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession for unpaid rent, to keep all or part of the security deposit, money owed or compensation due to damage or loss and recovery of the filing fee.

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 June 1, 2011 with monthly rent of \$780.00 and the tenant paid a security deposit of \$390.00.

On May 2, 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 testified that the tenant has not paid the May 2012 rent and currently owes the landlord \$780.00 in unpaid rent. The landlord stated that he is willing to allow the tenant until the end of the month to vacate and would like an order of possession effective May 31, 2012 at 1:00PM. The landlord is also seeking a monetary order for the loss of rental income for the months of May and June 2012.

The tenant testified that he had not paid the rent as he was told by the landlord that he was being evicted. The tenant also commented that he had not thoroughly read the notice to end tenancy regarding payment of the rent or how to dispute the notice.

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.

The tenant acknowledged in the hearing that the May 2012 rent remains unpaid and while the landlord is requesting rent for May and June 2012, as the landlord has not yet suffered a loss of rental income for June 2012 the landlord is not entitled to that portion of their claim.

Accordingly I find that the landlord is entitled to a monetary order for \$780.00.

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 not later than **1:00 PM, May 31, 2012**. 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 \$780.00 in unpaid rent. 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 **\$830.00**.

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: May 23, 2012

Residential Tenancy Branch