



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR OPR MNR MNSD FF

Introduction

This hearing dealt with applications by the landlord and the tenant. The landlord applied for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. The tenant applied to cancel a notice to end tenancy. Both the landlord and the tenant participated in the teleconference hearing.

At the outset of the hearing, each party confirmed that they had received the other party's evidence. Neither party raised any issues regarding service of the application or the evidence. I have reviewed all testimony and other evidence. However, only the evidence relevant to the issues and findings in this matter are described in this decision.

Issue(s) to be Decided

Is the notice to end tenancy valid?

Is the landlord entitled to a monetary order?

Background and Evidence

The tenancy began on approximately two and a half years ago. Rent in the amount of \$375 is payable in advance on the first day of each month. The landlord was unable to verify the amount of the security deposit. The tenant failed to pay rent for several months and on April 13, 2012 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant further failed to pay rent in the month of May 2012. The tenant currently owes \$2250 in unpaid rent and lost revenue.

The tenant did not dispute these facts. The tenant stated that he was not aware for several months that social assistance had stopped paying the rent.

Analysis

Based on the evidence I find that the tenant was served with a notice to end tenancy for non-payment of rent. The tenant has not paid the outstanding rent 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.

As for the monetary order, I find that the landlord has established a claim for \$2250 in unpaid rent and lost revenue. The landlord is also entitled to recovery of the \$50 filing fee for the cost of their application.

Conclusion

The application of the tenant is dismissed.

I grant the landlord an order of possession effective two days from service. 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.

I grant the landlord an order under section 67 for the balance due of \$2300. 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: May 4, 2012.

Residential Tenancy Branch