Dispute Resolution Services

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 / loss of revenue - 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 by _registered mail_ on May 18, 2011 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

The tenancy began on September 01, 2011. Rent in the amount of $950.00 is payable in advance on the first day of each month. At the outset of the tenancy, the landlord did not collect a security deposit from the tenant. The tenant failed to pay rent all of the rent the month of February 2012 and on February 02, 2012 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant further failed to pay all of the rent for March, April and May 2012. The landlord's application seeks loss of revenue for June, however, the landlord testified they are not certain if the tenant has

vacated in the past 2 weeks. The landlord's monetary claim is for the outstanding arrears in the total of $2300.00 to the end of May 2012.

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 **$2300** in unpaid rent. With respect to the landlord's claim for loss of revenue / rent for June 2012 I am not satisfied based on the evidence presented by the landlord that the tenant still resides in the rental unit and owes rent for June, 2012. That portion of the landlord's claim is therefore **dismissed**, with leave to reapply. The landlord is also entitled to recovery of the $50 filing fee, for a total entitlement of **$2350.00.**

Calculation for Monetary Order

Rental Arrears	$2300.00

Conclusion

I grant an **Order of Possession** to the landlord **effective 2 days** from the day it is served on the tenant. 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 sum of **$2350.00**. If necessary, this order may be filed in the Small Claims Court and enforced as an order of that Court.

This Decision is final and binding on the parties.

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: June 06, 2012

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