



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order. Despite having been served with the application for dispute resolution and notice of hearing by registered mail on May 24, the tenant did not participate in the conference call hearing.

The landlord had originally applied against his tenant, A.N., as well as against N.T. and J.B., who are A.N.'s sub-tenants. At the hearing, the landlord confirmed that he had no contractual relationship with N.T. and J.B. and accordingly I dismiss the claim as against those parties. I have amended the style of cause accordingly.

Issues to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order for unpaid rent and loss of income?

Background and Evidence

The landlord's undisputed testimony is as follows. The tenant is obligated to pay \$1,850.00 in rent in advance on the first day of each month. The tenant failed to pay all of her rent in April, she paid just \$800.00 of her rent in May and she paid no rent whatsoever in the month of June. On May 24, 2012, the landlord personally served the tenant with a notice to end tenancy.

Analysis

I accept the landlord's undisputed testimony and I find that the tenant was in arrears by at least \$1,850.00 when she was served with the notice to end tenancy for non-payment of rent on May 24. 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. 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.

As for the monetary order, the landlord gave evidence that the tenant owed at least \$2,900.00 in rent, but chose to claim just \$2,400.00. The landlord is limited to the amount claimed on his application. I find that the landlord is entitled to recover \$2,400.00 in rental arrears for the months of May and June 2012 as well as the \$50.00 filing fee paid to bring this application. I grant the landlord an order under section 67 for \$2,450.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The landlord is granted an order of possession and a monetary order for \$2,450.00.

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 14, 2012

Residential Tenancy Branch