



Dispute Resolution Services

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 and a monetary order. Despite having been served with the application for dispute resolution and notice of hearing by registered mail sent on July 26, the tenant did not participate in the conference call hearing.

At the hearing, the landlord asked to amend his claim to include a claim for loss of income for the month of August. I find that the tenant should reasonably have known that the landlord could not re-rent the unit while she still resided therein and I allowed the amendment.

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 tenancy began on or about April 1, 2012. Rent in the amount of \$750.00 is payable in advance on the first day of each month. The tenant failed to pay rent in the month of July and on July 6 the landlord served the tenant with a notice to end tenancy by posting the notice to the door of the rental unit. The tenant further failed to pay rent in the month of August.

Analysis

I accept the landlord's undisputed testimony and I find that the tenant did not pay rent for the month of July and on July 6 was served with a notice to end tenancy for non-payment of rent. The tenant is deemed to have received the notice on July 9. 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. She 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, I find that the landlord is entitled to recover the unpaid rent for the month of July and loss of income for the month of August and I grant the landlord an order under section 67 for \$1,500.00. 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 \$1,500.00.

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: August 15, 2012

Residential Tenancy Branch