



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *OPR, CNC, FF*

Introduction.

This hearing dealt with applications by the landlord and the tenant, pursuant to the *Residential Tenancy Act*. The landlord applied for an order of possession and for a monetary order for the filing fee. The tenant applied for an order to cancel the notice to end tenancy. During the hearing, the landlord requested that his application for dispute resolution be amended to include the recovery of unpaid rent.

The tenant failed to pay rent for October and on October 02, 2012 the landlord served the tenant with a notice to end tenancy for unpaid rent. The tenant continues to occupy the rental unit, has not paid rent and has not disputed the notice to end tenancy for unpaid rent. Accordingly, I find it reasonable to allow the landlord's request to amend his application.

The tenant did not attend the hearing and therefore his application is dismissed. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

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 the filing fee?

Background and Evidence

The landlord and tenant entered into a tenancy agreement on August 01, 2012. The monthly rent is \$1,400.00 payable on the first of the month. Prior to moving in the tenant paid a security deposit of \$700.00.

Soon after the tenancy started, the tenant participated in activities that warranted the attention of the police. On almost every day of the tenancy, police attended the unit and on some days multiple police cruisers were at present outside the rental unit. The landlord filed police reports and newspaper clippings that indicate the tenant is involved in criminal activity and is storing and selling stolen goods and drugs.

Analysis

Based on the undisputed sworn testimony of the landlord, I accept his evidence in respect of the claim. The tenant received the notice to end tenancy on August 29, 2012 and applied to dispute the notice but did not attend the hearing. Therefore, the notice is upheld and pursuant to section 55(2) I am issuing a formal order of possession effective two days after service on the tenant. This Order may be filed in the Supreme Court for enforcement.

In the absence of evidence to the contrary, I find that the landlord has established a claim of \$1,400.00 for unpaid rent and \$50.00 for the filing fee. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the amount of \$1,450.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant. I also grant the landlord a monetary order in the amount of **\$1,450.00**.

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: October 11, 2012.

Residential Tenancy Branch