



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR, MNR, FF

Introduction

This hearing was convened in response to an application by the landlord pursuant to the *Residential Tenancy Act* (the Act). The landlord orally amended their application in the hearing to a request for Orders as follows:

1. A Monetary Order for unpaid rent
2. An Order to recover the filing fee for this application - Section 72.

I accept the landlord's evidence that despite both tenants having been served with the application for dispute resolution and notice of hearing by registered mail in accordance with Section 89 of the Residential Tenancy Act (the Act) the tenant did not participate in the conference call hearing. The landlord provided proof of mail registration, which the landlord claims has not been picked up at the post office.

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 the monetary amounts claimed?

Background and Evidence

The landlord advised that the tenants vacated November 01, 2012.

The tenancy began on February 15, 2012. Rent in the amount of \$975.00 was payable in advance on the first day of each month. The tenant failed to pay rent in the month of October 2012 and on October 05, 2012 the landlord served the tenant with a notice to end tenancy for non-payment of rent by posting on the tenant's door – deemed received

October 08, 2012. The tenant has not paid any of the rent arrears. The landlord's monetary claim is for the unpaid rent for October 2012 in the amount of \$975.00.

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 – October 18, 2012.

Based on the above facts I find the landlord has established a monetary claim for \$975.00 in unpaid rent. The landlord is also entitled to recovery of the \$50 filing fee, for a total entitlement of **\$1025.00**.

Conclusion

I grant the landlord an Order under Section 67 of the Act for **\$1025.00**. 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 both 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: November 20, 2012

Residential Tenancy Branch