



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 October 17, the respondents did not participate in the conference call hearing.

The landlord presented evidence showing that the landlord was in a contractual relationship with the tenant J.D. and that the respondent M.Q. was a mere occupant. I find that because the landlord was not in a contractual relationship with M.Q., the claim as against her must be dismissed.

At the hearing the landlord asked to amend his claim to include a claim for loss of income for the month of November. I find that the tenant should reasonably have known that the landlord could not rent the unit while the tenant and/or the occupants living in the unit at the invitation of the tenant were still residing therein and I find it appropriate to allow 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 evidence is as follows. The tenant is obligated to pay \$650.00 per month in rent in advance on the first day of each month. The tenant failed to pay rent in the months of August – October inclusive and on October 3 the landlord served the tenant with a notice to end tenancy via registered mail. The tenant further failed to pay rent in the month of November.

Analysis

I accept the landlord's undisputed testimony and I find that the tenant did not pay rent for the month of August - November and I find that on October 3 he was served with a notice to end tenancy for non-payment of rent. 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. I note that the order is effective against the tenant and against all occupants residing in the rental unit.

As for the monetary order, I find that the landlord is entitled to recover the unpaid rent for the months of August – November inclusive as well as the \$50.00 filing fee paid to bring this application and I grant the landlord an order under section 67 for \$2,650.00. 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 \$2,650.00.

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: November 19, 2012

Residential Tenancy Branch