



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, 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 via registered mail sent on November 19, the tenants did not participate in the conference call hearing.

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 tenants were given access to the rental unit by other occupants of the building on or about October 1, 2012. When the landlord discovered that the tenants had moved into the unit, the landlords approached the tenants and asked them to sign a tenancy agreement, which they did. The agreement provides that rent in the amount of \$900.00 is payable in advance on the first day of each month. The tenants failed to pay rent whatsoever and on October 15, the landlord personally served the tenants with a notice to end tenancy for unpaid rent. The tenants further failed to pay rent in the months of November and December.

Analysis

I accept the landlord's undisputed testimony and I find that the tenants did not pay rent for the month of October and on October 15 were served with a notice to end tenancy for non-payment of rent. The tenants 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 are 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 tenants must be served with the order of possession. Should the tenants 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 \$900.00 in unpaid rent for the month of October, loss of \$1,800.00 in income for the months of November and December as well as the \$50.00 filing fee paid to bring this application and I grant the landlord an order under section 67 for \$2,750.00. 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 \$2,750.00.

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: December 13, 2012

Residential Tenancy Branch