



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Bourbon Hotel
and [tenant name suppressed to protect privacy]

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 for unpaid rent.

The landlord and two witnesses for the landlord participated in the teleconference hearing, but the tenant did not call into the hearing. On January 24, 2013 the landlord personally served the tenant with the application for dispute resolution and notice of hearing. I found that the tenant was served with notice of the hearing and proceeded with the hearing in the absence of the tenant.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order?

Background and Evidence

The tenancy began in 2010. Rent is payable in advance on the first day of each month. On July 26, 2012 the landlord served the tenant with a notice of rent increase, whereby the monthly rent would increase by \$20.89 beginning November 1, 2012. The tenant failed to pay \$20.89 of the rent in the months of November and December 2012 and on December 3, 2012 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant further failed to pay 20.89 of the rent in the month of January 2013.

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. 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. Based on the above facts I find that the landlord is entitled to an order of possession.

As for the monetary order, I find that the landlord has established a claim for \$62.67 in unpaid rent. The landlord is also entitled to recovery of the \$50 filing fee.

Conclusion

I grant the landlord an order of possession effective two days from service. 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 grant the landlord an order under section 67 for the balance due of \$112.67. This order may be filed in the Small Claims Court and enforced as an order of that Court.

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: February 19, 2013

Residential Tenancy Branch

