



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR

Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order for unpaid rent.

The landlord participated in the teleconference hearing, but the tenant did not call into the hearing. In the hearing the landlord stated that on February 20, 2013 he personally served the tenant with the application for dispute resolution and notice of hearing. I accept the landlord's evidence and find that the tenant was served with notice of the hearing on February 20, 2013.

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 on September 19, 2012. Pad rent in the amount of \$850 is payable in advance on the first day of each month. The tenant failed to pay rent in the month of January 2013 and on February 1, 2013 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The landlord stated that he mistakenly indicated that the tenant had failed to pay rent of \$850 due on February 1, 2013, rather than indicating that the tenant had failed to pay rent of \$850 due on January 1, 2013. The tenant further failed to pay rent in the months of February and March 2013.

Analysis

I accept the landlord's evidence that the notice to end tenancy ought to have indicated that the tenant failed to pay rent of \$850 due on January 1, 2013, and I amend the notice to reflect that the tenant failed to pay \$850 due on January 1, 2013. 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 \$850 in unpaid rent and lost revenue for the months of January, February and March 2013, for a total of \$2550.

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.

The landlord is entitled to \$2550 in unpaid rent and lost revenue. I grant the landlord an order under section 67 for the balance due of \$2550. 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 *Manufactured Home Park Tenancy Act*.

Dated: March 18, 2013

Residential Tenancy Branch

