



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR OPC MNR

Introduction

This hearing dealt with an application by the landlord for an order of possession pursuant to a notice to end tenancy for unpaid rent, an order of possession pursuant to a notice to end tenancy for cause and a monetary order for unpaid rent.

The landlord and an agent for the landlord participated in the teleconference hearing, but the tenants did not call into the hearing. The landlord stated that she personally served the tenants with the application for dispute resolution and notice of hearing. I accepted the landlord's testimony and proceeded with the hearing in the absence of the tenants.

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 December 1, 2010. Rent in the amount of \$800 is payable in advance on the first day of each month. The tenants did not pay full rent for several months, and on March 8, 2013 the landlord served the tenants with a notice to end tenancy for non-payment of rent in the amount of \$1920. The tenants paid \$200 toward their outstanding rent on March 21, 2013, but they made no further payment, and further failed to pay rent in the month of April 2013.

Analysis

Based on the landlord's testimony I find that the tenants were served with a notice to end tenancy for non-payment of rent. The tenants have not paid the outstanding rent and have not applied 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 pursuant to the notice to end tenancy for unpaid rent.

As I am granting an order of possession pursuant to the notice to end tenancy for unpaid rent, it is not necessary for me to consider whether the landlord is entitled to an order of possession pursuant to a notice to end tenancy for cause.

As for the monetary order, I find that the landlord has established a claim for \$2520 in unpaid rent and lost revenue.

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 \$2520. I grant the landlord an order under section 67 for the balance due of \$2520. 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: April 11, 2013

Residential Tenancy Branch