



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Gateway Properties Management Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR MNR

Introduction

This proceeding first convened on the landlord's application for an order of possession and a monetary order through the direct request process. The arbitrator who conducted the direct request proceeding found that there was insufficient evidence of previous rent increases to proceed with the direct request process, and the application was adjourned to a teleconference hearing. The arbitrator ordered that the landlord serve the tenant with notice of the reconvened hearing. I was assigned and conducted a teleconference hearing on this application.

The landlord participated in the teleconference hearing but the tenant did not. The testimony of the landlord was that the tenant was served with notice of the reconvened hearing as well as a copy of all of the rent increase notices, which the landlord submitted as evidence for the teleconference hearing. The tenant signed a document on April 15, 2013 indicating that she had received the landlord's new evidence. I found that the tenant was served with notice of the hearing and the landlord's additional evidence, and I 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 on December 1, 2005. The landlord served the tenant with notices of rent increase each year, and the current rent of \$720 is payable in advance on the first day of each month. The tenant failed to pay \$545 of the rent in February 2013 and paid no rent for March 2013, and on March 5, 2013 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant further failed to pay rent in

the months of April and May 2013. The landlord stated in the hearing that the tenant paid \$400 toward her unpaid rent on May 2, 2013, and at the time of the hearing the tenant owed \$1505 in unpaid rent.

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 did not pay the full outstanding rent and did not apply for dispute resolution to dispute the notice. The tenant 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 \$1505 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.

I grant the landlord an order under section 67 for the balance due of \$1505. 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: May 6, 2013

Residential Tenancy Branch