



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR MNSD MNDC 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's agent participated in the teleconference hearing, but the tenants did not call into the hearing. On June 30, 2013 the landlord served the tenants with the application for dispute resolution and notice of hearing by registered mail. Section 90 of the Act states that a document is deemed to have been served five days after mailing. I find that the tenants are deemed served with notice of the hearing on July 5, 2013. I proceeded with the hearing in the tenants' absence.

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 April 1, 2013. Rent in the amount of \$1000 is payable in advance on the first day of each month. The tenants failed to pay rent in the months of May and June 2013, and on June 14, 2013 the landlord served the tenants with a notice to end tenancy for non-payment of rent. The tenants further failed to pay rent in the month of July 2013. In addition to unpaid rent, the landlord claimed \$1500 in anticipated costs for cleaning and hauling garbage.

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.

As for the monetary order, I find that the landlord has established a claim for \$3000 in unpaid rent and lost revenue for May, June and July 2013. I find that the landlord's claim for anticipated costs for cleaning and hauling garbage to be premature.

Conclusion

I grant the landlord an order of possession effective two days from service. 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.

The landlord is entitled to \$3000 in unpaid rent and lost revenue. I grant the landlord an order under section 67 for the balance due of \$3000. This order may be filed in the Small Claims Court and enforced as an order of that Court.

The landlord's claim for \$1500 for cleaning and hauling garbage is dismissed with leave to reapply.

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: July 11, 2013

Residential Tenancy Branch