



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR

Introduction

This matter was initially commenced by way of Direct Request Proceeding. The landlord applied for an order of possession and a monetary order for unpaid rent. Upon consideration of the documentary evidence, I could not determine whether the landlord may have reinstated the tenancy, and for that reason I ordered that the application be reconvened as a teleconference hearing. I ordered the landlord to serve the tenants with a copy of my interim decision and notice of the reconvened hearing within three days of receiving my decision.

The teleconference hearing reconvened on July 25, 2013. The landlord attended but the tenants did not. The landlord stated that he personally served the tenants with notice of the reconvened hearing on June 21, 2013. I accepted the landlord's evidence regarding service, 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 August 1, 2006. Rent in the amount of \$1550 is payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenants in the amount of \$750. The tenants failed to pay \$770 of their rent in the month of April 2013 and on April 26, 2013 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenants further failed to pay any rent in the months of May, June and July 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.

As for the monetary order, I find that the landlord has established a claim for \$5420 in unpaid rent and lost revenue.

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 \$5420 in unpaid rent and lost revenue. I order that the landlord retain the deposit and interest of \$774.32 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$4645.68. 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: July 25, 2013

Residential Tenancy Branch