



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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

DECISION

Dispute Codes OPC 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. The landlord stated that on July 12, 2013 they personally served the tenant with the application for dispute resolution and notice of hearing. I accepted the landlord's evidence regarding service of notice of the hearing, and I proceeded with the hearing in the tenant's 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 in October 2013. Rent in the amount of \$775 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 tenant in the amount of \$387.50. On June 3, 2013 the landlord personally served the tenant with a notice to end tenancy for cause. The corrected effective date of the notice is July 31, 2013. The tenant did not apply to dispute the notice. The tenant failed to pay rent in the months of May, June, July and August 2013.

Analysis

Based on the landlord's testimony I find that the tenant was served with a notice to end tenancy for cause. The tenant 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 accept the landlord's undisputed evidence and find that the landlord has established a claim for \$3100 in unpaid rent.

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 \$3100 in unpaid rent and lost revenue. I order that the landlord retain the security deposit of \$387.50 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$2712.50. 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: August 13, 2013

Residential Tenancy Branch