



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This is an application filed by the Landlord for an order of possession and a monetary order for unpaid rent and recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend or submit any documentary evidence. The Landlord stated that the Tenant was served with the notice of hearing package on July 25, 2013 by Canada Post Registered Mail. The Landlord has provided the Customer Receipt Tracking number in her direct testimony as confirmation. When questioned, the Landlord could not provide an answer as to why the notice of hearing package was sent on July 25, 2013 when the application for dispute was filed on July 11, 2013.

During the hearing, the Landlord could not provide sufficient details to satisfy me of why the 10 day notice to end tenancy was for \$3,240.00 in rent arrears, the Landlord indicated that the rent was 2 months of arrears. The Landlord's evidence shows that the monthly rent was \$680.00. The Landlord provided no further details and became agitated and stated, "why I was not helping her?" and "I am a single mother and not a professional!" The Landlord disconnected the call at approximately 11 minutes after the start of the hearing. After waiting approximately 10 minutes, the hearing was completed in absence of any further evidence by the Landlord as the Landlord did not call back in.

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 Landlord stated that there is no signed tenancy agreement, but that the monthly rent is \$680.00 and that the Tenant was in arrears for two months.

The Landlord states that the Tenant was served with a 10 day notice to end tenancy issued for unpaid rent dated June 23, 2013 in person on June 23, 2013. The notice states that the Tenant failed to pay rent of \$3,240.00 that was due on June 16, 2013. The notice states an effective date of the notice as July 2, 2013. The Landlord stated

that rent is normally paid on the 16th of each month. The Landlord states that no rent has been paid since this notice was served and that the Tenant is still occupying the rental unit and is in arrears for two months. The Landlord also seeks the unpaid rent for July and August of 2013 as he is still occupying the rental unit.

Analysis

I accept the undisputed testimony of the Landlord and find that the Tenant was properly served with the 10 day notice to end tenancy issued for unpaid rent in person on June 23, 2013. The Landlord stated that no rent has been since service of the notice and the Tenant has not filed an application for dispute resolution to dispute the notice. The Tenant is conclusively presumed to have accepted that the tenancy is at an end. The Landlord is granted an order of possession. The Tenant must be served with the order of possession. Should the Tenant fail comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

As for the monetary claim, I find that as the Landlord disconnected the call after 10 minutes into the hearing and did not call back in, the hearing proceeded without the Landlord. The Landlord's direct evidence was that the Tenant was in arrears for two months (May and June) of rent and as well failed to pay rent for July and August of 2013 at \$680.00 per month X 4 months = \$2,720.00. I find based upon the undisputed testimony of the Landlord that a monetary claim for \$2,720.00 in unpaid rent has been established. The Landlord is also entitled to recovery of the \$50.00 filing fee. The Landlord is granted a monetary order for \$2,770.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The Landlord is granted an order of possession and a monetary order for \$2,770.00.

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 15, 2013

Residential Tenancy Branch

