



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, OPR

Introduction

The landlord originally applied under the Direct Request Process however due to some deficiencies in that application it was adjourned by me to a participatory hearing on this date. The landlord participated in this hearing, the tenant did not. I found that the tenants had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence. The landlord gave affirmed evidence.

Issues to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order for unpaid rent and loss of income?

Background and Evidence

The tenancy began on or about December 1, 2012. Rent in the amount of \$800.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$400.00. The tenant failed to pay rent in the month(s) of July 2013 and on July 2, 2013 the landlord served the tenant with a notice to end tenancy.

Analysis

I accept the landlord's undisputed testimony and I find that the tenant was served with a notice to end tenancy for non-payment of rent. The tenant did not pay the outstanding

rent within 5 days of receiving the notice and did not apply 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. The landlord advised that the tenant moved out without notifying the landlord on September 7, 2013. The landlord advised that she no longer requires an order of possession; accordingly I dismiss that portion of the landlords' application.

As for the monetary order, I find that the landlord has established a claim for \$800.00 in unpaid rent. I grant the landlord an order under section 67 for the balance due of \$800.00. 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 a monetary order for \$800.00.

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: September 18, 2013

Residential Tenancy Branch

