



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Regal Hotel
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes RP, OPR, MNR, MNSD, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. The tenant has filed an application seeking an order to have the landlord make repairs to the unit, site or property. The landlord participated in the conference call hearing but the tenant(s) did not. The tenant initiated this process by filing for dispute resolution on October 1, 2013. The landlord filed a cross application on October 8, 2013. I am satisfied that the tenant was aware of today's date and time of hearing and that the tenants had been properly served with notice of the landlord's claim and the hearing proceeded in their absence.

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?

Is the tenant entitled to an order for repairs to be conducted on their suite?

Background and Evidence

The tenancy began on or about September 1, 2012. Rent in the amount of \$500.00 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 \$250.00. As of today's hearing the amount of unpaid rent is \$1850.00. The landlord served the tenant with a notice to end tenancy on October 2, 2013.

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. Based on the above facts I find that the landlord is entitled to an order of possession. 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.

As for the monetary order, I find that the landlord has established a claim for \$1850.00 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee. I order that the landlord retain the \$250.00 deposit in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1650.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

The tenant filed for dispute resolution but not to dispute the notice to end tenancy. The tenant did not participate in the hearing or submit any evidence for consideration. Based on my finding that the tenancy is terminated and the lack of evidence submitted by the tenant I dismiss the tenants application in its entirety.

Conclusion

The landlord is granted an order of possession and a monetary order for \$1650.00. The landlord may retain the security deposit.

The tenant's application is dismissed in its entirety without 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: October 31, 2013

Residential Tenancy Branch

