



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

OPR, MNR, MNDC, FF

### **Introduction**

This hearing was convened in response to an application by the landlord pursuant to the *Residential Tenancy Act* (the Act) for Orders as follows:

1. An Order of Possession - Section 55;
2. A Monetary Order for unpaid rent - Section 67;
3. An Monetary Order for loss - Section 38
4. An Order to recover the filing fee for this application - Section 72.

I accept the landlord's evidence that despite the tenant having been personally served with the application for dispute resolution and notice of hearing in accordance with Section 89 of the Residential Tenancy Act (the Act) the tenant did not participate in the conference call hearing. The landlord was given full opportunity to be heard, to present evidence and to make submissions.

### **Issue(s) to be Decided**

Is the notice to end tenancy valid?

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to the monetary amounts claimed?

### **Background and Evidence**

The tenancy began June 01, 2013. Rent in the amount of \$1200.00 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 \$600.00. The tenant failed to pay all rent and utilities owed to the month of November 2013 and on November 05, 2013 the landlord personally served the tenant with a notice to end tenancy for non-payment of rent and utilities in the sum of \$1322.96. On or before November 19, 2013 the landlord also provided the tenant with copies of utilities invoices totaling \$267.37, for which the landlord also provided copies to this hearing. The tenant further failed to pay rent in the month of December 2013. The landlord's monetary claim is for the unpaid rent and utilities to date.

## **Analysis**

Based on the testimony and document evidence before me I find that the tenant was served with a notice to end tenancy for non-payment of rent and utilities and I find the notice to be valid. The tenant has not paid the outstanding rent and utilities and has not applied for Dispute Resolution to dispute the Notice served on November 05, 2013 and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. I find that the landlord is entitled to an **Order of Possession**.

I further also find that the landlord has established a monetary claim for unpaid rent and utilities as provided into evidence. The landlord is also entitled to recovery of the \$50 filing fee. As I am ordering the tenancy at an end, any applicable security deposit will be off-set. **Calculation for Monetary Order:**

Rent and utilities arrears to November 05, 2013	\$1322.96
Rent and utilities arrears to December 2013	1467.37
Filing fee	50.00
<i>Less applicable security deposit</i>	<i>-600.00</i>
<b>Total monetary award</b>	<b>\$2240.33</b>

## **Conclusion**

**I grant an Order of Possession** to the landlord **effective 2 days** from the day it is served on the tenant. The tenant must be served with this Order. 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.

**I Order** that the landlord retain the deposit of \$600.00 in partial satisfaction of the claim and **I grant** the landlord an Order under Section 67 of the Act for the balance due of **\$2240.33**. If necessary, this Order may be filed in the Small Claims Court and enforced as an Order of that Court.

**This Decision is final and binding on both parties.**

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: December 12, 2013

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Residential Tenancy Branch