



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR, MNR, 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 Order to recover the filing fee for this application - Section 72.

The landlord has filed this application subsequent to a Decision and Orders issued March 26, 2014. Upon confirmation that the tenant's name was originally provided incorrectly, the landlord now applies for new Orders under the tenant's valid name.

Effectively, all Orders prior to this date are null and of no effect.

I accept the landlord's evidence that despite the tenant having been personally served with the application for dispute resolution and notice of hearing for this matter on April 16, 2014 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 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 landlord testified the tenant still resides in the unit. Rent in the amount of \$1000.00 payable in advance on the first day of each month. The tenant failed to pay rent in the month of March 2014 and April 2014 on April 18, 2014 the landlord personally served the tenant with a notice to end tenancy for non-payment of rent. The landlord provided a copy of the Notice. The tenant has not paid the rent as stipulated on the Notice and has failed to pay any rent for May 2014. The landlord's monetary claim is for the unpaid rent to date. The landlord further seeks an Order of Possession.

Analysis

Based on the undisputed 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 I find the notice to be valid. The tenant has not paid the outstanding rent and 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. I find that the landlord is entitled to an **Order of Possession**.

I find that the landlord has established a monetary claim for unpaid rent in the amount of \$3000.00 inclusive of rent for March, April and May, 2014. The landlord is also entitled to recovery of the \$50.00 filing fee for this application only, for a sum total award of **\$3050.00**.

Conclusion

All Orders prior to this date are null and of no effect.

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 grant the landlord an Order under Section 67 of the Act for the amount of **\$3050.00**. 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: May 26, 2014

Residential Tenancy Branch

