



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, FF

Introduction

This hearing dealt with an application by the landlord for a monetary order. The landlord participated in the conference call hearing but the tenant(s) did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing by registered mail on April 14, 2014. 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 owner and landlord of the property passed away in June of 2014 and are represented by a property management company and the Office of Public Trustees for this hearing. The landlord's agent gave affirmed evidence.

Issues to be Decided

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

Background and Evidence

The tenancy began sometime in 2004. The landlord purchased the property in 2005. The subject tenants had already been living in the home and the parties agreed to carry on with the tenancy. Rent in the amount of \$1085.00 is payable in advance on the first day of each month. No security deposit was required or posted for this tenancy. The tenant failed to pay rent in the month(s) of April and on April 2, 2014 the landlord served the tenant with a notice to end tenancy. The tenant further failed to pay rent in the month(s) of May – August. The landlords' agent stated that the amount of unpaid rent as of today's hearing is \$5425.00.

Analysis

The landlord's agent stated that they have obtained an order of possession in a separate hearing and have just recently served the tenants. The agent stated the tenants have still not moved and seek the monetary order as claimed. I accept the landlord's agent 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.

As for the monetary order, I find that the landlord has established a claim for \$5425.00 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee. I grant the landlord an order under section 67 for the balance due of \$5475.00. 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 \$5475.00.

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 12, 2014

Residential Tenancy Branch

