



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BC HOUSING MANAGEMENT COMMISSION
and [tenant name suppressed to protect privacy]

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.

I accept the landlord's evidence that despite the tenant having been served with the application for dispute resolution and notice of hearing by *registered mail* 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 landlord entitled to an Order of Possession?
Is the landlord entitled to the monetary amounts claimed?

Background and Evidence

The tenancy started September 30, 2011. I have benefit of evidence indicating that rent geared to income is in the amount of \$567.00 payable in advance on the first day of each month. The tenant failed to pay all rent in the month of June 2014 and failed to pay any rent for July and August 2014 and on August 11, 2014 the landlord served the tenant with a notice to end tenancy for non-payment of rent by regular mail deemed to have been received August 16, 2014. The tenant did not pay the aggregate rent of \$1368.00 within the time prescribed to do so. Regardless of which, on August 21, 2014 the landlord gave the tenant a 2 Month Notice to End Tenancy Because the Tenant Does Not Qualify for Subsidized Rental Unit – with an effective date of October 31, 2014, which the tenant did not dispute. On September 02, 2014 the landlord accepted \$500.00 from the tenant toward rent. The tenant has further failed to pay any additional amount for September and October 2014. The landlord's claim seeks all unpaid rent and an Order of Possession.

Analysis

Based on the landlord's testimony I find that the tenant was served with a notice to end tenancy for non-payment of rent. The tenant did not pay all the outstanding rent. I find the landlord then gave the tenant a 2 Month Notice to End the Tenancy and the tenant has not applied for Dispute Resolution to dispute the notice and is therefore conclusively presumed to have accepted that the tenancy ends on the effective date of the notice. Based on the above facts I find that the landlord is entitled to an **Order of Possession** effective October 31, 2014.

I also find that the landlord has established a monetary claim for unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee

Calculation for Monetary Order

Unpaid rent to August 11, 2014	\$1368.00
Unpaid rent September 1, 2014	\$567.00
<i>Payment by tenant September 02, 2014</i>	<i>-\$500.00</i>
Unpaid rent October 1, 2014	\$567.00
Filing Fees for the cost of this application	50.00
Total Monetary Award	\$2052.00

Conclusion

I grant an Order of Possession to the landlord **effective October 31, 2014**. The tenant must be served with this **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.

I grant the landlord an Order under Section 67 of the Act for the amount of **\$2052.00**. 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: October 20, 2014

Residential Tenancy Branch

