



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Top Vision Realty Inc.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPR, MNR, FF

Introduction

This hearing was scheduled in response to the landlord's application for an order of possession / a monetary order as compensation for unpaid rent / and recovery of the filing fee. The landlord's agent ("landlord") attended and gave affirmed testimony.

The landlord testified that the application for dispute resolution and notice of hearing ("hearing package") was personally served on the tenant on January 19, 2015. Despite this, the tenant did not appear. Based on the affirmed / undisputed testimony of the landlord I find that the tenant has been duly served with the hearing package pursuant to section 89 of the Act.

Issue(s) to be Decided

Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

There is no written tenancy agreement for this tenancy which began approximately 6 months ago. Monthly rent of \$500.00 is due and payable in advance on the first day of each month. No security deposit or pet damage deposit was collected.

The landlord issued a 10 day notice to end tenancy for unpaid rent dated January 03, 2015. The notice was served in-person on that same date. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenant must vacate the unit is January 15, 2015. Thereafter, the tenant made no further payment of rent.

Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenant was served with a 10 day notice to end tenancy for unpaid

rent dated January 03, 2015. The tenant did not pay the outstanding rent within 5 days of receiving the notice, and did not apply to dispute the notice. The tenant is therefore conclusively presumed under section 46(5) of the Act to have accepted that the tenancy ended on the effective date of the notice. Accordingly, I find that the landlord has established entitlement to an **order of possession**.

As for compensation, I find that the landlord has established a claim of **\$2,050.00**:

\$500.00: *unpaid rent for November 2014*

\$500.00: *unpaid rent for December 2014*

\$500.00: *unpaid rent for January 2015*

\$500.00: *unpaid rent for February 2015*

\$50.00: *filing fee*

Conclusion

Pursuant to section 55 of the Act, I hereby issue an **order of possession** in favour of the landlord effective not later than **two (2) days** after service on the tenant. This order must be served on the tenant. 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.

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$2,050.00**. This order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

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: February 04, 2015

Residential Tenancy Branch

