



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, MNR, MNSD, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit. Despite having been served with the application for dispute resolution and notice of hearing sent via registered mail on January 23, 2015, the tenant did not participate in the conference call hearing.

At the hearing the landlord stated that she does not have a security deposit from the tenant. I presume that the request for an order authorizing her to retain the security deposit must have been made in error and I consider that claim to have been withdrawn.

Issue to be Decided

Is the landlord entitled to an order of possession?
Is the landlord entitled to a monetary order as claimed?

Background and Evidence

The landlord's undisputed evidence is as follows. The tenancy began on June 2014. Rent was set at \$800.00 per month and is payable in advance on the first day of each month. On September 28 the landlord personally served on the tenant a one month notice to end tenancy for cause (the "Notice").

The tenant did not vacate the unit pursuant to the Notice and he failed to pay rent in the months of October – February inclusive. The landlord seeks to recover this lost income as well as the \$50.00 filing fee paid to bring her application.

Analysis

I accept the landlord's undisputed evidence and I find that the tenant received the Notice on September 28, 2014. The tenant did not 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 and I grant her that order. The order must be served on the tenant and is enforceable through the Supreme Court.

I find that the tenant has not vacated the unit pursuant to the Notice and because he is still residing in the unit, the landlord has lost income for the months of October – February inclusive. I find the tenant liable for that loss and I award the landlord \$4,000.00. As the landlord has been substantially successful in this application I find she should recover the \$50.00 filing fee and I award her that sum for a total award of \$4,050.00. I grant the landlord a monetary order under section 67 for this sum. 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 an order of possession and a monetary order for \$4,050.00.

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: February 16, 2015

Residential Tenancy Branch

