



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Green Valley Motel
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

OPR MNR MNSD MNDC FF

Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order for unpaid rent.

The landlord participated in the teleconference hearing, but the tenant did not call into the hearing. The landlord submitted evidence that he personally served the tenant with the application for dispute resolution and notice of hearing by registered mail on March 14, 2015. I accepted the landlord's testimony regarding service of the notice of the hearing, and I proceeded with the hearing in the absence of the tenant.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order?

Background and Evidence

The tenant moved into the rental unit in October 2014 and began to pay the landlord \$375, half of the monthly rent of \$750. The original tenant moved out of the rental unit in December 2014, and the landlord informed the tenant that if he wished to remain in the unit he would have to pay the full rent of \$750.

The tenant failed to pay \$375 of the rent in February 2015 and on March 1, 2015 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant further failed to pay full rent in the months of March and April 2015. The landlord has claimed \$1125 in unpaid rent and lost revenue.

The Landlord's evidence included the following:

- testimony regarding the date the tenant moved into the unit and began paying rent, as well as the date that the tenant became responsible for the full rent;
- a copy of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, issued on February 27, 2015, with an effective vacancy date of March 10, 2015;
- testimony that the tenant was personally served the 10 Day Notice to End Tenancy for Unpaid Rent on March 1, 2105; and
- a copy of the Landlord's Application for Dispute Resolution, filed March 13, 2015.

Analysis

I have reviewed all evidence and I accept that the tenant was served with the notice to end tenancy as declared by the landlord.

I accept the evidence before me that the tenant has failed to pay the rent owed within the five days granted under section 46(4) of the Act. I find that the tenant is conclusively presumed under section 46(5) of the Act to have accepted that the tenancy ended on March 11, 2105, the corrected effective date of the notice. The landlord is therefore entitled to an order of possession.

As for the monetary order, based on the above-noted evidence I find that the landlord has established a claim for \$1125 in unpaid rent and lost revenue. The landlord is also entitled to recovery of the \$50 filing fee.

Conclusion

I grant the landlord an order of possession effective two days from service. The tenant must be served with the 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 for the balance due of \$1175. This order may be 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: April 20, 2015

Residential Tenancy Branch

