



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order. Although served with the application for dispute resolution and notice of hearing by registered mail deemed delivered on April 15, 2015, the tenant did not appear.

Issue(s) to be Decided

- Is the landlord entitled to an order of possession and, if so, on what terms?
- Is the landlord entitled to a monetary order and, if so, in what amount?

Background and Evidence

This tenancy commenced November 1, 2012 as a one year fixed term tenancy and continued thereafter as a month-to-month tenancy. The monthly rent of \$1200.00 is due on the first day of the month. The tenant never paid a security deposit.

The landlord issued a 10 Day Notice to End Tenancy for Non-Payment of Rent on March 12, 2015. It was served on the tenant by registered mail actually received on March 17, 2015. The landlord testified that the tenant has not made any payment towards the rent or served him with an application disputing the notice.

The landlord testified that as of the date of the hearing the arrears of rent were \$9455.00 but he was limiting his claim to \$5000.00.

Analysis

The tenant has not paid the outstanding rent and did not apply to dispute the notice and is therefore conclusively presumed under section 46(5) of the *Residential Tenancy Act* to have accepted that the tenancy ended 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 two days after service on the tenant.

I find that the landlord has established a total monetary claim of \$5050.00 comprised of arrears of rent in the amount of \$5000.00 and the \$50.00 fee paid by the landlord for this application and I grant the Landlord an order under section 67 in this amount>

Conclusion

- a. An order of possession effective two days after service on the tenant has been granted. If necessary, this order may be filed in the Supreme Court and enforced as an order of that Court.
- b. A monetary order in favour of the landlord in the amount of \$5050.00 has been granted. If necessary, it may be filed in the Provincial Court (Small Claims) 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: May 22, 2015

Residential Tenancy Branch

