



# Dispute Resolution Services

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. Despite having been served with the application for dispute resolution and notice of hearing by registered mail on May 1, 2015, the tenant did not participate in the conference call hearing.

### Issues to be Decided

Is the landlord entitled to an order of possession?  
Is the landlord entitled to a monetary order for unpaid rent?

### Background and Evidence

The landlord's undisputed testimony is as follows. The tenancy began on or about September 1, 2015. Rent in the amount of \$850.00 is payable in advance on the first day of each month. The tenant failed to pay rent in the months of October – March inclusive and on 10, 2015, the landlord personally served the tenant with a notice to end tenancy. The tenant further failed to pay rent in the months of April.

The landlord seeks to recover the rental arrears as well as the \$100.00 he estimates it will cost him to change the locks at the end of the tenancy as he believes the tenant has changed the locks to the rental unit. The landlord also seeks to recover the \$100.00 filing fee paid to bring his application.

### Analysis

I accept the landlord's undisputed testimony and I find that the tenant was obligated under the terms of the tenancy agreement to pay \$850.00 in rent on the first day of each month. I find that she did not pay rent for the months of October – March inclusive and I find that on March 10 she was served with a notice to end tenancy for non-payment of rent. The tenant did not pay the outstanding rent within 5 days of receiving the notice

and did not apply for dispute resolution to dispute the notice and is therefore conclusively presumed 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. 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.

As for the monetary order, I find that the landlord is entitled to recover the \$5,100.00 in unpaid rent for the months of October – March as well as \$850.00 in lost income for the month of April. I dismiss the claim for the cost of changing locks as the landlord does not at this point know whether the tenant will change the locks back at the end of the tenancy. As the landlord has been substantially successful in his claim, I find he should also recover the \$100.00 filing fee paid to bring this application for a total entitlement of \$6,050.00. I grant the landlord an order under section 67 for \$6,050.00. 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 \$6,050.00.

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: May 12, 2015

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Residential Tenancy Branch

