



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes                      CNR, DRI, FF, LRE, MNR, MNSD, OLC, RR

### Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order. The tenant also filed an application seeking to have the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities set aside, to dispute a rent increase, an order to limit the landlords entry into the unit, an order to have the landlord comply with the Act, regulation or tenancy agreement and an order to allow the tenant to reduce his rent for repairs, services, or facilities agreed upon but not provided. The landlord participated in the conference call hearing but the tenant(s) did not. As the tenant has filed an application in response to the landlords claim, I am satisfied that the tenants had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence. The landlord gave affirmed evidence.

### Preliminary Issue

As the tenant chose not participate in this hearing, I hereby dismiss his application in its entirety.

### Issues to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order for unpaid rent and loss of income?

### Background and Evidence

The landlord gave the following testimony:

The tenancy began on or about March 1, 2015. Rent in the amount of \$1350.00 is payable in advance on the first day of each month. The tenant failed to pay rent in the month(s) of July

and July 3, 2015 the landlord served the tenant with a notice to end tenancy. The tenant further failed to pay rent in the month(s) of August.

### Analysis

I accept the landlord's undisputed testimony and I find that the tenant 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. The landlord advised that the tenant moved out in late August and now has possession of the unit, accordingly; I dismiss the portion of the landlords claim seeking an order of possession.

As for the monetary order, I find that the landlord has established a claim for \$2700.00 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee. I grant the landlord an order under section 67 for the balance due of \$2750.00. 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 a monetary order for \$2750.00.

The tenants' application is dismissed in its entirety.

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: September 10, 2015

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Residential Tenancy Branch

