



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, 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 in partial satisfaction of the claim. Despite having been personally served with the application for dispute resolution and notice of hearing on July 22, the tenant did not participate in the conference call hearing.

At the hearing, the landlord asked to amend his claim to include a claim for loss of income for the months of August and September. As the tenant should reasonably have known that the landlord could not re-rent the unit while he was still living therein, I allow the amendment.

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 tenancy began on or about April 2015. Rent in the amount of \$500.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$250.00. The tenant failed to pay rent in the month of June and on June 2, the landlord personally served the tenant with a notice to end tenancy for unpaid rent. The tenant further failed to pay rent in the months of July, August and September.

Analysis

I accept the landlord's undisputed testimony and I find that the tenant was obligated to pay \$500.00 in rent in advance on the first day of each month. I find that the tenant did not pay rent for the month of June and on June 2 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 unpaid rent for the month of June, loss of income for the months of July, August and September as well as the \$50.00 filing fee paid to bring this application. I award the landlord \$2,000.00. I order that the landlord retain the \$250.00 security deposit in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1,800.00. 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 \$1,800.00. The landlord will retain the security deposit.

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 22, 2015

Residential Tenancy Branch

