



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNDC, 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 served with the application for dispute resolution and notice of hearing by registered mail on July 16, 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 and loss of income?

Background and Evidence

The landlord's undisputed evidence is as follows. The tenancy began in or about September 2014 at which time the tenant paid a \$425.00 security deposit. Monthly rent was set at \$850.00 and is payable in advance on the first day of each month. The tenant failed to pay \$650.00 of his rent in the month of April and paid no rent whatsoever thereafter. On June 30 the landlord personally served the tenant with a notice to end tenancy.

The landlord seeks an order of possession and a monetary order for unpaid rent and loss of income through the end of September.

Analysis

I accept the landlord's undisputed testimony and I find that the tenant was obligated to pay \$850.00 in rent in advance on the first day of each month. I find that the tenant did not pay \$650.00 of his rent for the month of April and paid no rent after that date and I find that the tenant received the notice to end tenancy on July 16. 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 \$650.00 in unpaid rent for April, \$850.00 for June and \$850.00 for July and \$850.00 in loss of income for each of the months of August and September as well as the \$50.00 filing fee paid to bring this application for a total entitlement of \$4,950.00. I order that the landlord retain the \$425.00 deposit in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$4,525.00. 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 \$4,525.00. 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 15, 2015

Residential Tenancy Branch

