



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Grey Mountain Holdings Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR

Introduction

The landlord filed an application through the Direct Request Process. The adjudicator adjourned the matter to a participatory hearing on this date. The landlord is seeking an order of possession and a monetary order. The landlord participated in the conference call hearing but the tenant(s) did not. The landlord presented evidence that the tenant was served with the application for dispute resolution and notice of hearing by personally serving him on January 11, 2016. I found that the tenant 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.

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 January 1, 2014. Rent in the amount of \$550.00 is payable in advance on the first day of each month. The tenant failed to pay rent in the month(s) of April 2015 – December and on December 2, 2015 the landlord served the tenant with a notice to end tenancy. The tenant further failed to pay rent in the month(s) of January 2016 and February 2016. The landlord advised that the tenant has made partial payments however, as of today's hearing the amount of unpaid rent is \$5875.00.

Analysis

The landlord submitted extensive documentation to support his claim. *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. 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 has established a claim for \$5875.00 in unpaid rent. I grant the landlord an order under section 67 for the balance due of \$5875.00. 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 \$5875.00.

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: February 02, 2016

Residential Tenancy Branch

