



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PASQUALE WELDING LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order. The landlord participated in the conference call hearing but the tenant(s) did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing by having a witness present when personally serving the tenant on January 19, 2016. I found 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.

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 June 1, 2015. Rent in the amount of \$2000.00 is payable in advance on the first day of each month. The parties entered into a verbal tenancy agreement. The tenant failed to pay rent in the month(s) of November to January and on January 2, 2016 the landlord served the tenant with a notice to end tenancy. The landlord stated that as of today's hearing the amount of unpaid rent is \$6000.00. The landlord stated that the tenant also owes him for utilities in the amount of \$160.59. The landlord stated that the tenant no longer lives there and does not require an order of possession.

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 has advised that the tenant no longer lives in the house, accordingly; I dismiss the landlords' application for an order of possession.

The landlord did not supply any documentation to support his claim that the tenant was responsible for utility costs, based on the absence of any documentation, I dismiss that portion of his application.

As for the monetary order, I find that the landlord has established a claim for \$6000.00 in unpaid rent. The landlord provided copies of cheques that were returned "NSF" to support his position. The landlord is also entitled to recovery of the \$100.00 filing fee. I grant the landlord an order under section 67 for the balance due of \$6100.00. 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 \$6100.00.

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: March 02, 2016

Residential Tenancy Branch

