



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR MNDC FF

Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order.

The landlord participated in the teleconference hearing, but the tenant did not call into the hearing. The landlord stated that he personally served the tenant with the application for dispute resolution and notice of hearing on January 29, 2016. I accepted the landlord's evidence that the tenant was served with notice of the hearing, and I proceeded with the hearing in the absence of the tenant.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order?

Background and Evidence

The landlord stated that he purchased the house and took over as landlord in September 2015. Rent in the amount of \$750.00 is payable in advance on the first day of each month. The tenant failed to pay rent in the month of January 2016 and on January 17, 2016 the landlord served the tenant with a notice to end tenancy for non-payment of rent by posting the notice to the rental unit door. The tenant further failed to pay rent in the months of February and March 2016. The landlord stated that the tenant also owed \$500.00 in unpaid rent from previous months.

Analysis

I have reviewed all evidence and I accept that the tenant was served with the notice to end tenancy as declared by the landlord. The notice is deemed to have been received by the tenant on January 20, 2016.

I accept the evidence before me that the tenant has failed to pay the rent owed within the five days granted under section 46(4) of the Act. I find that the tenant is conclusively presumed under section 46(5) of the Act to have accepted that the tenancy ended on the effective date of the notice. The landlord is therefore entitled to an order of possession.

As for the monetary order, based on the above-noted evidence I find that the landlord has established a claim for \$2,750.00 in unpaid rent and lost revenue. The landlord is also entitled to recovery of the \$100.00 filing fee.

Conclusion

I grant the landlord an order of possession effective two days from service. 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.

I grant the landlord an order under section 67 for the balance due of \$2,850.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

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 10, 2016

Residential Tenancy Branch