



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute codes OP MNR MNSD FF

Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order for unpaid rent. The hearing was conducted by conference call. The landlord called in and participated in the hearing. The tenant did not appear although he was served with the Application for Dispute Resolution and Notice of Hearing by registered mail sent on June 24, 2016.

Issues

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order?

Background and Evidence

The landlord did not submit a copy of the tenancy agreement. He testified that there is a written tenancy agreement that began October 15, 2014. The monthly rent for the rental unit, consisting of a house and shop on residential property in Surrey is \$2,700.00, payable on the 15th of each month. The tenant paid a security deposit of \$1,350.00 at the start of the tenancy. The tenant did not pay the full rent for April when it was due. He paid \$2,000.00 in cash for April rent on April 10th, leaving a shortfall of \$700.00. The tenant did not pay rent for May when it was due on May 15th. On May 27, 2016 the landlord served the tenant with a Notice to End Tenancy for non-payment of rent by posting it to the door of the rental unit. The tenant has not paid rent for May and he did not file an application to dispute the Notice to End Tenancy.

The landlord testified that he visited the rental unit as recently as three days before the hearing and discovered that there are strangers occupying the rental unit and there is significant damage to the rental unit.

Analysis

Section 46 of the Act requires that upon receipt of a Notice to End Tenancy for non-payment of rent the tenant must, within five days, either pay the full amount of the arrears indicated on the Notice or dispute the notice by filing an Application for Dispute Resolution with the Residential Tenancy Branch. If, as in the present case, the tenant does neither of these two things, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice.

Conclusion

Order of Possession - Based on the above background, evidence and analysis I find that the landlord is entitled to an order of possession effective two days after service on the tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

Monetary Order - I find that the landlord has established a total monetary claim of \$3,400.00 for the outstanding rent for April and May. The landlord is entitled to recover the \$100.00 filing fee for this application for a total award of \$3,500.00 and I grant the landlord an order under section 67 in the said amount. 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: August 03, 2016

Residential Tenancy Branch