



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, FF, MNDC

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. Both parties attended the hearing and were given full opportunity to present evidence and make submissions. The tenant acknowledged receipt of evidence submitted by the landlord. The tenant did not submit any documentation for this hearing. Both parties gave affirmed testimony.

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 February 1, 2016. Rent in the amount of \$850.00 is payable in advance on the first day of each month. The tenant did not pay a security or pet deposit. The tenant failed to pay rent in the month(s) of July 2016 and on July 5, 2016 the landlord served the tenant with a notice to end tenancy. The tenant further failed to pay rent in the month(s) of August. The landlord stated that they are seeking the unpaid rent for July and August and because of the timing of this hearing, they also seek loss of revenue for September. The landlord also seeks the recovery of the filing fee and an order of possession.

The tenant gave the following testimony. The tenant stated that she was unable to pay rent due to some financial challenges but was always intending to pay her rent. The tenant stated that it's difficult to find a place that accepts dogs and would like to stay. The tenant stated that she tried to pay the rent but the landlords ignored her phone calls. The tenant stated that she didn't file to dispute the notice as she heard it was very expensive to do so.

Analysis

While I have turned my mind to all the documentary evidence and the testimony of the parties, not all details of the respective submissions and arguments are reproduced here. The principal aspects of the landlord's claim and my findings around each are set out below.

I accept the landlord's 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 tenant did not dispute the amount of unpaid rent.

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 \$1700.00 in unpaid rent. Due to the timing of this hearing and the administration of this decision and the time involved to have the tenant move out, I find that it's reasonable to award the landlord half a month's loss of revenue for September 1-15, 2016 in the amount of \$425.00. The landlord is also entitled to recovery of the \$100.00 filing fee. The

landlords' total entitlement is \$2225.00. I grant the landlord an order under section 67 for the balance due of \$2225.00. 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 \$2225.00.

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: August 29, 2016

Residential Tenancy Branch

