



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 1043517 BC LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPR MNR

Introduction

This hearing was convened in response to an application by the landlord pursuant to the *Residential Tenancy Act* (the Act) for Orders as follows:

1. An Order of Possession - Section 55;
2. A Monetary Order for unpaid rent - Section 67;

I accept the landlord's evidence that despite the tenant having been served with the application for dispute resolution and notice of hearing by *registered mail* in accordance with Section 89 of the Residential Tenancy Act (the Act) the tenant did not participate in the conference call hearing. The landlord was given opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the notice to end tenancy valid?
Is the landlord entitled to an Order of Possession?
Is the landlord entitled to the monetary amounts claimed?

Background and Evidence

The undisputed evidence in this matter is as follows. The tenancy is based on a verbal agreement on a month to month basis. Rent in the amount of \$1000.00 is payable in advance on the first day of each month. The tenant failed to pay any rent for 8 months in 2016 and on November 09, 2016 the landlord served the tenant with a notice to end tenancy for non-payment of rent sent, by registered mail. The tenant has further failed to pay rent in the month of December 2016 and January 2017.

Analysis

Based on the landlord's undisputed evidence I find that the tenant was served with a

notice to end tenancy for non-payment of rent and I find the notice to be valid. The tenant has not paid the outstanding rent and has not applied 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**.

I also find that the landlord has established a monetary claim for unpaid rent.

Calculation for Monetary Order

Rental Arrears to November 2016	\$8940.00
Unpaid rent for December 2016	\$1000.00
Unpaid rent for January 2017	\$1000.00
Total Monetary Award	\$10940.00

I grant an Order of Possession to the landlord effective 2 days from the day it is served on the tenant. The tenant must be served with this 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 of the Act for the amount of \$10940.00. If necessary, this Order may be filed in the Small Claims Court and enforced as an Order of that Court.

Conclusion

The landlord's application in relevant part is granted.

This Decision is final and binding on both parties.

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: January 16, 2017

Residential Tenancy Branch

