



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

OPR, MNRL, FF

### **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 / loss of revenue - Section 67;
3. An Order to recover the filing fee for this application - Section 72.

I accept the landlord's evidence that despite the tenant having been personally served with the application for dispute resolution and notice of hearing on December 28, 2018 in accordance with Section 89 of the Residential Tenancy Act (the Act) the tenant did not participate in the conference call hearing. I am further satisfied the landlord has served the tenant with all of the evidence provided to this proceeding.

The landlord was given full 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 tenancy began in August 2013. Rent in the amount of \$1700.00 is payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$850.00 which the landlord retains in trust. The tenant failed to pay rent during 2018 commencing July 2018 and on

December 04, 2018 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant further has further failed to pay rent in the month of January 2019 and has not paid rent for the current month of February 2019.

### **Analysis**

*The full text of the Act, Regulation, and Residential Tenancy Policy Guidelines can be accessed via the RTB website: [www.gov.bc.ca/landlordtenant](http://www.gov.bc.ca/landlordtenant)*

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 in compliance to Section 52 of the Act. 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. The landlord is also entitled to recovery of the \$100.00 filing fee. The security deposit held by the landlord will be off-set from the award made herein.

#### *Calculation for Monetary Order*

Rental Arrears to December 2018	\$10,200.00
Unpaid Rent for January and February 2019	\$3400.00
Filing Fee for the cost of this application	100.00
<i>Less Security Deposit (no applicable interest to date)</i>	<i>-850.00</i>
<b>Total Monetary Award to landlord</b>	<b>\$12,850.00</b>

**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 Order** that the landlord retain the security deposit of \$850.00 in partial satisfaction of the claim and **I grant** the landlord an Order under Section 67 of

the Act for the balance due of **\$12,850.00**. 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 is granted. The landlord is given an Order of Possession and a monetary Order in the above terms.

**This Decision is final and binding.**

*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: February 05, 2019

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Residential Tenancy Branch