

# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards  
Ministry of Housing and Social Development

## **DECISION**

### **Dispute Codes:**

MNR, FF

### **Introduction**

This hearing dealt with an application by the landlord for a monetary order to recover arrears for unpaid rent and utilities, and inclusive of recovery of the filing fee associated with this application. Despite having been served with the application for dispute resolution and notice of hearing the tenant did not participate in the conference call hearing.

### **Issue(s) to be Decided**

Is the landlord entitled to the monetary amounts claimed?

### **Background and Evidence**

The tenancy began on March 08. Rent in the amount of \$1075 is payable in advance on the first day of each month. The tenant made a partial rent payment in November 2008, and accrued arrears of \$600. The tenant again failed to pay rent and utilities in the month of December 2008 and on December 2, 2008 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant further failed to pay rent and utilities in the month of January 2009 and on January 2, 2009 the landlord again served the tenants with a notice to end tenancy for non-payment of rent effective January 13, 2009. The tenants remain in the rental unit and have not paid rent or utilities for February 2009.

The landlord did not apply for an Order of Possession, although his testimony is that he intended to. However, it is important to note that his application was forwarded to the tenant without the inclusion for a request for an Order of Possession and therefore the tenant was not notified of this in the application. The landlord is seeking a monetary order for unpaid rent and utilities to the end of January 2009.

### **Analysis**

Based on the landlord's testimony I find that the tenant was served with notices to end tenancy for non-payment of rent. 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. However, in this matter the landlord is not entitled to seek possession of the rental unit, but is entitled to a monetary order for unpaid rent to January 31, 2009.

Based on the above facts I find that the landlord is entitled to a monetary order, I find that the landlord has established a claim for \$2900 in unpaid rent and utilities. The landlord is also entitled to recovery of the \$50 filing fee for a total claim of **\$2950**.

Rental arrears to November 2008	\$ 600
Rental arrears for December 2008	\$1075
Utilities for December 2008	\$ 75
Rental arrears for January 2009	\$ 1075
Utilities for January 2009	\$ 75
Filing Fee for application 729021	\$ 50
<b>TOTAL</b>	<b>\$2950</b>

### **Conclusion**

I grant the landlord an order under section 67 for the amount due of **\$2950**. This order may be filed in the Small Claims Court and enforced as an order of that Court.

The landlord has leave to apply for any arrears accrued from February 1, 2009.

Dated February 09, 2009