



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNDC, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession for unpaid rent, a monetary order for unpaid rent, money owed or compensation due to damage or loss and recovery of the filing fee.

The landlord participated in the conference call hearing but the tenant did not. The landlord presented evidence that the tenant was served with the application for dispute resolution and notice of hearing by registered mail. I found that the tenant had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence.

Issue(s) to be Decided

Is the landlord entitled to any of the above under the Act.

Background and Evidence

This matter was originally set to be heard May 4 and May 11, 2012. The hearing was adjourned to allow the landlord time to submit evidence regarding service of the notice to end tenancy which the tenant claimed had not been served.

On April 4, 2012 the landlord served the tenant with a 10 Day Notice to End Tenancy for Unpaid Rent, the tenant has not filed to dispute this notice.

The landlord testified that the tenant has not paid rent since February 2012 and currently owes the landlord \$5500.00 in unpaid rent for the months of February through June 2012 and \$756.00 in unpaid utilities. The landlord stated that the 10 day notice was posted to the tenant's door on April 4, 2012 and that a photo of the posted notice had been submitted into evidence.

The landlord stated that on April 5, 2012 he received a notice from the City of Port Coquitlam regarding the condition of the rental property and that if the tenant's

unregistered vehicle was not removed and the property cleaned up within 7 days after receipt of the notice, the city would fine the landlord \$150.00 per day.

The landlord stated that when he recently went to the rental unit it appeared that the tenant had abandoned the unit as most of the tenant's belongings had been removed. The landlord stated that an unknown woman is now squatting in the rental unit. The landlord stated that there is also more than \$4000.00 damage in the rental unit as walls are damaged, doors have been removed and the property is a mess.

The landlord in this application is seeking an order of possession effective 2 days after service upon the tenant and a monetary order for unpaid rent.

Analysis

Based on the documentary evidence and undisputed testimony of the landlord I find that the tenant was properly 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. Based on the above facts I find that the landlord is entitled to an order of possession and a monetary order for unpaid rent.

I also accept the photographic evidence submitted by the landlord that shows the April 4, 2012 notice to end tenancy posted on the tenant's door as proof of the tenant having been served.

Accordingly I find that the landlord is entitled to a monetary order for \$4839.65.

The landlord understands that he is at liberty to make an additional application to recover any additional unpaid rent, unpaid utilities and for damages to the rental unit.

As the landlord has been successful in their application the landlord is entitled to recovery of the \$50.00 filing fee.

Conclusion

I hereby grant the landlord an **Order of Possession**, effective **2 days** after service of the Order upon the tenant(s). This Order must be served on the tenant(s) and may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

I find that the landlord has established a monetary claim for \$4400.00 in unpaid rent and \$439.65 in unpaid utilities. The landlord is also entitled to recovery of the \$50.00 filing fee. I grant the landlord a monetary order under section 67 for the amount of **\$4889.65**.

If the amount is not paid by the tenant(s), the Order may be filed in the Provincial (Small Claims) Court of British Columbia 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: June 20, 2012

Residential Tenancy Branch