



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, FF

### Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order. Despite having been served with the application for dispute resolution and notice of hearing by registered mail on July 25, the tenant did not participate in the conference call hearing.

### 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's undisputed testimony is as follows. The tenancy began on or about September 1, 2011. Rent in the amount of \$1,200.00 is payable in advance on the first day of each month. The tenant failed to pay \$200.00 of her rent in the month of June and paid no rent whatsoever in the month of July. On July 15 the landlord served the tenant with a notice to end tenancy by giving the notice to the tenant's adult brother who resides at the unit with her.

The landlord testified that after he filed his application for dispute resolution, the tenant paid him \$1,200.00. The landlord seeks an order of possession and recovery of the \$200.00 in rental arrears as well as loss of income for the month of August.

### Analysis

I accept the landlord's undisputed testimony and I find that as of the date of the notice to end tenancy, the tenant had not paid \$200.00 of her rent for the month of June and none of her rent for July and I find that she received the notice on July 15. 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. 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 is entitled to recover the \$200.00 in arrears, \$1,200.00 as well as the \$50.00 filing fee paid to bring this application and I grant the landlord an order under section 67 for \$1,450.00. 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 \$1,450.00.

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 16, 2012

---

Residential Tenancy Branch