



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, OPC, MNR

### Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order. Despite having been personally served with the application for dispute resolution and notice of hearing on January 5, 2015, 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 as claimed?

### Background and Evidence

The landlord's undisputed evidence is as follows. The tenant is obligated to pay \$375.00 per month in rent in advance on the first day of each month. In December, the tenant paid just \$240.00 and in January the tenant paid no rent whatsoever.

On December 20 the landlord personally served on the tenant a one month notice to end tenancy for cause (the "Cause Notice"). On December 29 the landlord personally served on the tenant a 10 day notice to end tenancy for unpaid rent (the "Rent Notice").

### Analysis

I accept the landlord's undisputed evidence and I find that the tenant received the Cause Notice on December 20 and the Rent Notice on December 29. The tenant did not dispute either notice and did not pay the rental arrears within 10 days of receipt of the Rent Notice. I find that pursuant to sections 46(5) and 47(5) of the Act, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the notices. I find that the landlord is entitled to an order of possession. This order

must be served on the tenant and may be enforced in the Supreme Court should the tenant not comply with the order.

I find that the tenant failed to pay \$135.00 of her rent in the month of December and I find that because the tenant failed to vacate the rental unit in accordance with the notices, she caused the landlord to lose \$375.00 in rental income for the month of January. I find that the landlord is entitled to recover the arrears and lost income from the tenant and I award her a total of \$510.00. I grant the landlord a monetary order under section 67 for this sum. 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 \$510.00.

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: January 26, 2015

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Residential Tenancy Branch

