



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Powell Street Holdings Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR, MNR

### Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order. The landlord participated in the conference call hearing but the tenant(s) did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing by having a witness present when personally serving the tenant on September 29, 2015. I found that the tenants 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. The landlord gave affirmed evidence.

### Preliminary Issue

The landlord stated that the tenant abandoned the unit on October 11, 2015 and no longer requires an order of possession; accordingly I dismiss that portion of their claim.

### Issues to be Decided

Is the landlord entitled to a monetary order for unpaid rent and loss of income?

### Background and Evidence

The landlord gave the following testimony:

The tenancy began on or about June 1, 2012. Rent in the amount of \$976.00 is payable in advance on the first day of each month. The tenant failed to pay rent in the month(s) of September 2015 and September 2, 2015 the landlord served the tenant with a notice to end tenancy. The tenant further failed to pay rent in the month(s) of October. The landlord stated that the tenant abandoned the unit on October 11, 2015 and was not able to rent it for any portion of the month of October. The landlord is requesting a monetary order of \$1952.00.

### Analysis

I accept the landlord's undisputed testimony and I find that the tenant was 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.

As for the monetary order, I find that the landlord has established a claim for \$1952.00 in unpaid rent. I grant the landlord an order under section 67 for the balance due of \$1952.00. 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 a monetary order for \$1952.00.

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: November 25, 2015

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Residential Tenancy Branch

