



Dispute Resolution Services

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

Decision

Dispute Codes: OPR, OPC, OPB, MND, MNR, FF

Introduction

This hearing dealt with the landlord's application for an Order of Possession and a Monetary Order for unpaid rent, loss of rent and damages to the rental unit. The landlord is also seeking to recover the filing fee from the tenant. The tenant did not appear at the hearing. The landlord provided evidence that the tenant was notified of today's hearing by registered mail. A search of the registered mail tracking number showed that the registered mail was received by the tenant. I was satisfied that the tenant was adequately served with notice of the hearing and I proceeded with the hearing without the tenant present.

Issue(s) to be Decided

1. Whether the landlord is entitled to an Order of Possession.
2. Whether the landlord is entitled to a Monetary Order for unpaid rent, loss of rent and damages to the rental unit.
3. Award of the filing fee.

Background and Evidence

Upon consideration of the evidence before me, I make the following findings concerning the tenancy. The tenancy commenced June 1, 2008. A security deposit of \$375.00 had been collected on June 1, 2008. The tenant was required to pay rent of \$750.00 on the 1st day of every month.

The landlord provided evidence that a *10 Day Notice to End Tenancy for Unpaid Rent and Utilities* was served upon the tenant July 24, 2008. The landlord provided evidence that a *1 Month Notice to End Tenancy for Cause* was served upon the tenant on July 24, 2008. I have confirmed that the tenant did not dispute either of these notices. The landlord testified that the tenant still occupies the rental unit.

The landlord testified that the tenant still owes \$150.00 in unpaid rent and the landlord did not receive any rent for September. The landlord testified that he has observed from the exterior of the rental unit damage to two blinds in the rental unit. The landlord estimated the damage to the blinds amounted to \$40.00.

Analysis

As the tenant continues to reside in the rental unit even though the tenancy has ended, I am satisfied that the landlord is entitled to an Order of Possession in order to regain possession of the rental unit. Therefore, I provide with the landlord's copy of this decision an **Order of Possession effective two days after service upon the tenant**. The landlord must serve the Order of Possession upon the tenant and may enforce it in The Supreme Court of British Columbia as an Order of that court if necessary.

I find that the landlord is entitled to recover \$900.00 in unpaid rent and loss of rent from the tenant. As the landlord was successful with this application I also award the filing fee to the landlord. Therefore, I provide a **Monetary Order for the landlord in the total amount of \$950.00**. The landlord must serve the Monetary Order upon the tenant and may enforce it in Provincial Court (Small Claims) as an Order of that court.

I do not award the landlord's claim for damages to the rental unit as his claim of \$40.00 for broken blinds was not sufficiently supported by evidence to indicate the damage caused and the loss that the landlord has incurred. Also, as the tenant has not yet vacated the rental unit, the tenant should have the opportunity to repair damage she

causes prior to vacating. Therefore, the landlord was informed of his right to make a subsequent application for dispute resolution for damages, if any, that the tenant causes and does not repair.

As the landlord did not request retention of the security deposit in partial satisfaction of the rent and loss of rent owed to the landlord, the security deposit remains in trust for the tenant to be administered in accordance with the provisions of the Act.

Conclusion

An Order of Possession effective two days after service on the tenant is granted to the landlord. A Monetary Order in the amount of \$950.00 is provided to the landlord.

September 11, 2008

Date of Decision
