



Dispute Resolution Services

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

File No: 239583

Decision

Dispute Codes:

MNR

OPR

MNSD

FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an Order of Possession based on the Notice to End Tenancy for Unpaid Rent dated July 8, 2008, a monetary order for rent owed and an order to retain the security deposit in partial satisfaction of the claim. Both the landlord and the tenant appeared and each gave affirmed testimony in turn.

The landlord also provided receipts to confirm service of the hearing package by registered mail.

Issue(s) to be Decided

The landlord is seeking an Order of Possession and a monetary order claiming \$2,450.00

The issues to be determined based on the testimony and the evidence are:

- Whether the landlord is entitled to an Order of Possession based on the 10-Day Notice to End Tenancy and
- Whether the landlord is entitled to monetary compensation for rental arrears owed and loss of rent

Background and Evidence

The landlord submitted into evidence a copy of the 10-Day Notice to End Tenancy dated July 8, 2008 and posted on the tenant's door. The effective date was July 22, 2008. The landlord testified that the rent was \$800.00 and that the tenant's cheques for rent for the months of June, 2008, August 2008 and September 2008 were returned for non-sufficient funds at an added cost of \$25.00 per incident.

The tenant testified that the rental arrears being claimed were valid and that arrangements for payment had been discussed. The tenant acknowledged that no application had been submitted by the tenant to dispute the Notice to End Tenancy.

Analysis

Based on the testimony of the parties, I find that the tenant was served with a Ten-Day Notice to End Tenancy for Unpaid Rent. The tenant has not paid the outstanding rent and did not apply to dispute the Notice and is therefore conclusively presumed under section 46(5) of the Act 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

I find that the landlord has established a total monetary claim of \$2,525.00 comprised of \$800.00 rent owed for the month of June 2008, \$800.00 rent owed for the month of August 2008, \$800.00 rent owed for the month of September 2008, \$75.00 for NSF costs and the \$50.00 fee paid by the Landlord for this application. I order that the landlord retain the security deposit and interest of \$402.18 in partial satisfaction of the claim leaving a balance due of \$2,122.82

Conclusion

I hereby issue an Order of Possession in favour of the landlord effective Monday, September 15, 2008. This order must be served on the Respondent and may be filed in the Supreme Court and enforced as an order of that Court.

I hereby grant the landlord a monetary order under *section 67* of the *Act* for \$2,122.82. This order must be served on the Respondent and may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

September 10, 2008
