



Dispute Resolution Services

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

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. Although served with the Application for Dispute Resolution and Notice of Hearing by Registered mail, on August 18, 2008, as confirmed by the receipt supplied by the landlord, the tenant did not appear.

All of the information had been reviewed and the hearing for this application then proceeded on its merits.

Issue(s) to be Decided

The landlord was seeking an Order of Possession under section 55 of the *Residential Tenancy Act*, (the *Act*), based on a Notice issued under section 46 of the *Act*. The Landlord was also seeking a monetary order under section 67 of the *Act* for rental arrears, according to the application, in the amount of \$1,839. 94

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, which was posted on the tenant's door on that date. The effective date of the Notice was July 22, 2008. Also submitted into evidence was a copy of a One-Month Notice to End Tenancy for Cause, with effective date of September 1, 2008 and copies of the tenant's account showing that the account was in arrears. The landlord testified that in March 2004 when the tenancy began, the tenant had paid \$300.00 security deposit. The landlord testified that the tenant failed to pay rent of \$671.97 that was owed each month for June, July, August and September 2008 totaling \$2,687.88.

Analysis

Based on the evidence and testimony of the landlord, 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 \$2,737.88 comprised of \$671.97 for the month of June, 2008, \$671.97 for the month of July 2008, \$671.97 for the month of August 2008, \$671.97 for the month of September 2008 and the \$50.00 fee paid by the Landlord for this application. I order that the landlord retain the security deposit and interest of \$309.22 in partial satisfaction of the claim leaving an outstanding balance of \$2,428.66.

Conclusion

I hereby issue an Order of Possession in favour of the landlord effective two days after service on the tenant. .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 for \$2,428.66. 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
