



# Dispute Resolution Services

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

## **Decision**

**Dispute Codes:** OPR, MNR, FF

### **Introduction**

This hearing dealt with an Application for Dispute Resolution by the landlord for an Order of Possession based on the 10 Day Notice to End Tenancy dated August 8, 2008, a monetary order for rent owed for August 2008, as well as loss of income for rent payable for September 2008, and an order to recover the cost of the filing fee for the Application. The amount of total compensation sought by the landlord is \$929.00. The landlord's agent appeared and gave affirmed testimony. There was no appearance by the tenant.

### **Issue(s) to be Decided**

The issues to be determined based on the testimony and the documentary 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 a monetary order for one month's rental arrears, one month's loss of income and the cost of the filing fee for the Application.

### **Background and Evidence**

The landlord's agent submitted into evidence a copy of the 10 Day Notice to End Tenancy dated August 8, 2008 which was served by posting on the tenant's door. The effective date of the Notice was August 18, 2008.

The landlord's agent also submitted into evidence the Canada Post tracking number for the registered mailing on August 18, 2008 of the Notice of a Dispute Resolution Hearing package. Canada Post's on-line tracking shows the package as having been successfully delivered to the tenant on August 19, 2008.

The landlord's agent testified that the monthly rent was \$440.00 and that the tenant's cheque for August's rent was returned as a result of non-sufficient funds. In addition to unpaid rent for the month of August in the amount of \$439.00, the landlord is claiming loss of income for the month of September 2008 in the amount of \$440.00, and recovery of the filing fee for this application in the amount of \$50.00.

### **Analysis**

Based on the testimony of the landlord's agent and the documentary evidence submitted, I find that the tenant was properly served with a 10 Day Notice to End Tenancy for unpaid rent. I also find that the tenant was served with the Notice of Dispute Resolution Hearing package by way of Registered Mail.

The tenant has not paid the outstanding rent and did not apply to dispute the Notice. The tenant is therefore conclusively presumed under Section 46(5) of the *Residential Tenancy Act* to have accepted that the tenancy was to end on the effective date of the Notice. In the result, I find that the landlord is entitled to an Order of Possession.

I further find that the landlord has established a total monetary claim of \$929.00 comprised of \$439.00 rent owed for the month of August 2008, \$440.00 for loss of income for the month of September 2008, and the \$50.00 fee paid for filing of this application.

### **Conclusion**

I hereby issue an Order of Possession to the landlord effective 2 days after service upon the tenant. This Order must be served on the Respondent and may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

I hereby grant the landlord a monetary order under Section 67 of the *Residential Tenancy Act* in the amount of \$929.00. This Order must be served on the Respondent and may be filed in the Small Claims Court of the Province of British Columbia and enforced as an Order of that Court.

September 16, 2008

Date of Decision