



Dispute Resolution Services

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

DECISION

Dispute Codes: MNR,MNSD, OPR, FF

This hearing dealt with an application by the landlord for a monetary order, an order of possession and an order to retain the security deposit in partial satisfaction of the claim. Despite having been served with the notice of hearing and application for dispute resolution by registered mail on September 4, 2008, the tenant did not participate in the conference call hearing.

On January 11, 2008, the tenant paid to the landlord a security deposit in the amount of \$700.00. On February 1, 2008, the tenant began her tenancy with an obligation to pay a monthly rent in the amount of \$1400.00 due in advance on the first day of each month.

In July of 2008, the tenant paid only \$700.00 towards her monthly rent. On July 21, 2008, the landlord served the tenant with a 10 day notice to end tenancy for unpaid rent. The effective date of the notice is July 31, 2008.

Based on the landlord's undisputed testimony, 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 amount of rent within 5 days of receiving the notice and did not apply for dispute resolution to dispute the notice. The tenant is therefore conclusively presumed to have accepted that the tenancy has ended. In fact, the landlord said that sometime towards the end of July, she visited the unit and found the tenant to have already vacated it. However, the tenant still has the key to the unit. The landlord is therefore asking for an order of possession even though the tenant had already vacated the unit.

I find that the landlord is entitled to an order of possession effective 2 days after service. Should the tenant fail to comply with the order, the order may be filed in the Supreme

Court of British Columbia and enforced as an order of that Court.

The landlord is seeking to recover from the tenant outstanding rent for July in the amount of \$700. I find that the landlord is entitled to recover outstanding rent in the amount of \$700.00 and the filing fee of \$50.00. I order that the landlord retain the security deposit and interest in the amount of \$705.82 in partial satisfaction of the claim, and I grant the landlord an order under section 67 for the balance of \$44.18. This order may be filed in Small Claims Court and enforced as an order of that Court.

Dated September 24, 2008.