



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 by the landlord for an Order of Possession and a monetary claim related to non-payment of rent by the tenant. Although the tenant was served with notice of this application and hearing in person on August 26, 2008 in person she failed to appear for the hearing. I proceeded in the tenant's absence.

Issue to be Determined:

The issue before me is whether to uphold the ten day Notice to End Tenancy due to non-payment of rent and whether the landlord is entitled to a monetary claim for rental arrears.

Analysis and Reasons:

I accept the evidence of the landlord, including his written submission, that the tenant was renting two suites in the above noted rental unit. The main suite tenancy began on February 15, 2007 for the monthly rent of \$1,995.00. The tenant then entered into a second tenancy agreement on November 5, 2007 renting the other suite for the monthly rent of \$615.00. The tenant paid one security deposit of \$997.50 on February 15, 2007 and the second security deposit for \$307.50 on November 5, 2007.

I accept that the tenant was served with a ten day Notice to End Tenancy due to non-payment of rent in person on August 6, 2008. The tenant had five days to either pay the outstanding rent or to file an application to dispute the notice. Having failed to exercise either of those rights the tenant is conclusively presumed to have accepted the end of the tenancy pursuant to section 46(5) of the *Act*.

I accept the evidence of the landlord that the tenant vacated the rental unit on approximately September 15, 2008. Except for a payment of \$800.00 on August 18, 2008 which the landlord accepted for "use and occupancy only", the tenant owes the landlord \$1,810.00 for rent in August 2008 and \$1,305.00 for rent to September 16, 2008.

As the tenant has vacated the rental unit the landlord does not require an Order of Possession. However, I accept the landlord's request for a monetary claim for the sum

of \$3,165.00 comprised of the outstanding rent noted above plus the recovery of the \$50.00 filling fee paid for this application.

Conclusion:

I grant the landlord a monetary Order for the sum of **\$3,165.00**. This Order may be filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

Dated September 25, 2008.