



Dispute Resolution Services

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

In the matter of the *Residential Tenancy Act*, SBC 2002,c.78., as amended

Between

Decision

Dispute Codes: OPR, MNR, FF.

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for orders as follows:

- A monetary order pursuant to Section 67;
- An order of possession to the landlord pursuant to Section 55;
- An order to recover the cost of filing the Application for Arbitration pursuant to Section 72.

Issues to be decided

- Is the landlord is entitled to an Order of Possession based on the Ten Day Notice to End Tenancy for unpaid rent?
- Is the landlord is entitled to monetary compensation against the tenant for rent and to recover the filing fee for this application?

Background and Evidence

I find that the Notice to End Tenancy dated August 05, 2008 was served on the Tenant on August 05, 2008 by registered mail and the Application for Arbitration dated August 18, 2008 was served on the tenant on August 22, 2008. The landlord stated that he visited the tenant to serve him the notice of hearing, but the tenant who was home did not open the door. Hence the landlord posted the notice on the door and later called the tenant to confirm that he had received the notice. The landlord stated that the tenant confirmed the receipt of the notice of hearing during the phone conversation. Under section 71(2) (c) of the Act, I find that the notice of hearing has been sufficiently served for the purposes of the Act.

Despite having been served with the Notice of Arbitration, the tenant did not appear. The landlord was given full opportunity to present evidence and make submissions. On the basis of the solemnly affirmed evidence presented at the hearing, a decision has been reached.

The landlord testified that the tenancy started on October 01, 2006. The monthly rent is \$1050.00 due on the first of the month. The tenant failed to pay rent for July, August and September. The tenant has moved out hence the landlord has withdrawn his claim for an order of possession and is claiming the following:

- \$ 3150.00 Rent for July, August and September 2008
- \$ 100.00 The fee for filing this application

Analysis

Based on the undisputed testimony of the Landlord, I accept his affirmed evidence in respect of the claim. I find that the landlord is entitled to three months rent and is also entitled to the cost of filing this application. Pursuant to section 67, I am issuing the landlord with a formal order for payment for the amount of \$ 3250.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I will issue the landlord a monetary order in the amount of \$ 3250.00

September 16, 2008

Date of Decision