



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 August 6, 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 sent on September 10, 2008, and signed for on September 16, 2008, the Tenant did not appear.

All of the information has been reviewed and the hearing for this application will proceed on its merits

Issue(s) to be Decided

The Landlord is seeking an Order of Possession and a monetary order for \$1,300.00

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
- 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 August 6, 2008 with effective date of August 20, 2008. The landlord testified that the tenant failed to pay rent in full for the month of August with \$350.00 arrears remaining and failed to pay rent for September in the amount of \$950.00

Analysis

Based on the testimony of the landlord, I find that the tenant was served with a 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 \$1,350.00 comprised of \$350.00 rental arrears for the month of August 2008, \$950.00 rent owed 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 \$485.86 in partial satisfaction of the claim leaving a balance due of \$864.14

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 \$864.14. 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.

October 9, 2008

Date of Decision