

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 matter dealt with an application by the landlord for an order of possession and a monetary order related to unpaid rent. The landlord also seeks to recover the filing fee for the cost of this application and an order to retain all or part of the security deposit to satisfy any monetary orders.

The landlord appeared at the hearing which was held via teleconference, but there was no appearance on behalf of the tenant. The landlord gave evidence that he served the tenant the notice of hearing and the application for dispute resolution, in person on November 1, 2008. I am satisfied that the tenant has been duly served and that the hearing would continue in her absence.

Issue(s) to be Decided

- Is the landlord entitled to an order of possession?
- Is the landlord entitled to a monetary order, and if so in what amount?

Background and Evidence

The landlord gave evidence at the hearing also supplied documentary evidence prior to the hearing.

The landlord's evidence is that the monthly rent payable is \$515.00 and that there is a security deposit of \$247.50 which collected at the start of the tenancy in January 2007. The landlord stated that the tenant has failed to pay rent for the months of July, September, October and November 2008. In addition the tenant made a partial payment for the rent for the month of August, but still owes the balance of \$180.00.

The landlord has issued the tenant a 10 Day Notice to End Tenancy for the months of November, September and August 2008. The tenant has not paid the required rent noted on those notices, nor has she filed an application for dispute resolution in regards to the notices. The landlord's evidence contains copies of those notices, and based upon his evidence, I am satisfied that they were properly served upon the tenant.

Analysis

The tenant has not appeared to give evidence, and I find the evidence of the landlord to be credible. I find that the landlord has established that there is rent owing in the amount of \$2240.00 and I also find that the landlord is entitled to recover the filing fee of \$50.00 for the cost of this application.

In regards to the order of possession, the tenant has neither paid the required rent owing, nor has she filed to dispute the notices. The tenant is thereby deemed to have accepted the notices and that the tenancy will end on the effective date of the notice. The effective date has passed, and the tenant has failed to vacate the rental unit. The landlord has requested an immediate order of possession, and I find that he has satisfied the requirements for such an order.

Conclusion

I grant the landlord an immediate order of possession. The order must be served upon the tenant and may be filed with and enforced as an order of the Supreme Court of British Columbia.

I find that the landlord has established a claim in the amount of \$2290.00. I order that the landlord may retain the security deposit plus interest in the amount of \$254.49 and I grant the landlord a monetary order for the balance of \$2035.51. The order may be filed with and enforced as an order of the Provincial Court of British Columbia.

Dated: November 14, 2008