

# Dispute Resolution Services

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

## **DECISION**

**Dispute Codes:** OPR MNR MNSD 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 appeared at the hearing but there was no appearance by the tenant. The landlord gave evidence that the notice of hearing and the application for dispute resolution were served upon the tenant by leaving it with his girlfriend at the rental unit, on October 27, 2008. I find that the tenant has been duly served and that the hearing would continue in his 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's evidence at the hearing was that the tenancy commenced in January 2007 and that the monthly rent payable is \$800.00. At the start of the tenancy, the landlord collected a security deposit of \$400.00.

The landlord gave evidence that the tenant has been late paying rent for the months of May, July, August, September and October. The landlord has issued 10 day Notices to End Tenancy for each of those months and as of the date of the hearing, the tenant is still in arrears \$270.00 in unpaid rent.

The tenant has not filed to dispute the latest notice which was issued on October 3, 2008 nor have they paid the arrears of rent stated as owing on the notice. The tenant, by failing to either pay the amount owing in full or to file for dispute resolution is deemed to have accepted the notice to end tenancy, and must vacate the rental unit on the effective date of the notice. The tenant as of the date of the hearing has not vacated the rental unit.

### **Analysis**

I find that the landlord is entitled to an immediate order of possession as the tenant is deemed to have accepted the notice.

I find that based upon the undisputed evidence at the hearing that the landlord has established that there is rent owing in the amount of \$270.00. The landlord has requested and I also find that he is entitled also recover the filing fee of \$50.00 for the cost of this application.

### **Conclusion**

I grant the landlord an order of possession effective for **1:00 PM on November 29, 2008**. 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 order that the landlord may retain the amount of \$320.00 from the security deposit plus interest, valued at \$405.18 and that the balance of \$85.18 be returned to the tenant.

Dated: November 13, 2008