

# Dispute Resolution Services

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

## **DECISION**

**Dispute Codes:** OPR OPB MND MNR MNDC FF

### **Introduction**

This matter dealt with an application by the landlord for an order of possession and a monetary order for unpaid rent.

The landlord appeared at the hearing, but there was no appearance on behalf of the tenant. The landlord gave evidence that the notice of hearing and the application for dispute resolution were sent to the tenant via registered mail on October 22, 2008. The landlord has provided further documentary evidence by way of a Canada Post registered mail receipt, and as such I am satisfied that the tenant has been duly served as required effective October 25, 2008.

### **Issue(s) to be Decided**

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

### **Background and Evidence**

The landlord gave evidence that the tenancy commenced on July 15, 2008 with a monthly rent of \$700.00, payable on the 15<sup>th</sup> of the month. At the start of the tenancy, the landlord also collected a security deposit in the amount of \$350.00.

The landlord's evidence is that the tenant has been late every month since the start of the tenancy and that he still owes the amount of \$200.00 for the October 15<sup>th</sup> payment.

The landlord has issued the tenant the following notices to end tenancy:

- 1 Month Notice to End Tenancy for Cause issued September 15, 2008
- 10 Day Notice to End Tenancy for Unpaid Rent issued September 16, 2008
- 10 Day Notice to End Tenancy for Unpaid Rent issued October 18, 2008

The tenant has not, within the specified time periods filed an application to dispute any of these notices, nor has he paid the unpaid rent within the specified time period. The tenant by failing to file to dispute the notices, is deemed to have accepted the notices and that the tenancy will end on the effective date of the notice. The tenant has failed to vacate the rental unit and the landlord has requested an immediate order of possession.

### **Analysis**

I find the undisputed evidence of the landlord to be credible and that it is supported by documentary evidence. I find that the landlord has established that there is rent in the amount of \$200.00 owing and also that the landlord is entitled the filing fee of \$50.00 for the cost of this application.

I also find that the landlord is entitled to an immediate order of possession, based upon the notices issued that have not been disputed by the tenant.

### **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 order that the landlord may retain the amount of \$250.00 from the security deposit plus interest, valued at \$351.75 and refund the balance of \$101.75.

Dated: November 13, 2008