



# Dispute Resolution Services

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

## **DECISION**

**Dispute Codes:** MND MNDC MNR O OPC FF

### **Introduction**

This matter dealt with an application by the landlord for an order of possession for cause, and a monetary order for damages to the rental unit. The landlord also seeks to recover the filing fee for the cost of this application.

The landlord appeared at the hearing, but there was no appearance by the tenant. The agent for landlord gave evidence that the notice of hearing and the application for dispute resolution were served on the tenant in person, on November 10, 2008. The agent also gave evidence that the Notice to End tenancy for Cause, was served upon the tenant in person, on July 3, 2008.

I am satisfied that all of the required documents have been properly served upon the tenant as required.

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

Is the landlord entitled to an order of possession and a monetary order for unpaid rent and damages to the rental unit? If so, in what amount?

## **Background and Evidence**

The facts of this dispute are as follows:

- the tenancy commenced on December 1, 2003
- the landlord holds security deposit of \$244.50
- the monthly rent payable is \$489.00
- the tenant has failed to pay rent for the months of September, October, November and December 2008.
- the landlord has served the tenant with a One Month Notice to end Tenancy on July 3, 2008 with an effective date of August 31, 2008
- the tenant has failed to vacate the rental unit in accordance with the Notice and is still residing in the rental unit.
- there is no evidence that the tenant has filed an application for dispute resolution to dispute the Notice.

## **Analysis**

I find that the landlord has provided undisputed evidence that the tenant owes rent in the amount of \$1956.00. I find that the landlord is entitled to a monetary order in that amount as well as for the \$50.00 filing fee for the cost of this application.

The tenant has failed to vacate the rental unit as required and has not filed an application to dispute the Notice. The tenant is therefore deemed to have accepted the Notice and that the tenancy will end on the effective date. As the tenant has failed to vacate the rental unit, the landlord is entitled to an immediate order of possession.

I find that the landlord has failed to present any estimates or costs for the anticipated damages to the rental unit, and I am therefore unable to award any amount for the alleged damages. The landlord has leave to file a future application when the required work has been completed.

## **Conclusion**

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

I order that the landlord may retain the security deposit plus interest in the amount of \$252.84 and I grant the landlord a monetary order for the balance of \$1753.16. This order may be filed with and enforced as an order of the Provincial Court of British Columbia.

Dated: December 1, 2008