

# 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 hearing dealt with an application by the landlord for an order of possession due to unpaid rent and a monetary order to recover rental arrears and inclusive of an order to retain the security deposit in partial satisfaction of the monetary claim. Both, the landlord and the tenant participated in this conference call hearing.

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

Is the notice to end tenancy valid?

Is the landlord entitled to an order of possession?

Is the landlord entitled to the monetary amounts claimed?

### **Background and Evidence**

The tenancy began on September 15, 2006. Rent in the amount of \$850 is payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$425. The tenant failed to pay rent in the month of December 2008 and on December 3, 2008 the landlord served the tenant with a ten (10) day notice to end tenancy for non-payment of rent. The tenant remains in the unit to this date, and further failed to pay rent for January 2009.

### **Analysis**

Based on the landlord's testimony I find that the tenant was served with a notice to end tenancy for non-payment of rent and I find the notice to be valid. The tenant has not paid the outstanding rent for December 2008 and January 2009 and has not applied for

dispute resolution to dispute the notice and is therefore conclusively presumed 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 agreed between the landlord and the tenant to have an effective date of January 31, 2009. As for the monetary order, I find that the landlord has established a claim for \$1700 in unpaid rent.

### **Conclusion**

I grant an order of possession to the landlord effective **January 31, 2009**. The tenant must be served with this order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

I order that the landlord retain the deposit and interest of **\$438.51** in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of **\$1261.49**. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated January 15, 2009