



# Dispute Resolution Services

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

## **DECISION AND REASONS**

Dispute Codes: OPR, MNR, & FF

### Introduction:

This hearing dealt with an application by the landlord for an Order of Possession and a monetary claim related to non-payment of rent by the tenant. Although the tenant was served with notice of this hearing and the landlord's application, the tenant did not appear. I proceeded with the hearing in the tenant's absence.

### Issue to be Determined:

Has the landlord established a monetary claim of \$3,900.00 related to non-payment of rent by the tenant?

### Background and Evidence:

This tenancy began on March 15, 2007 for the monthly rent of \$1,300.00 and a security deposit of \$650.00. The landlord stated that the tenant has failed to pay rent for the months of November and December 2008 and January 2009.

The landlord served the tenant with a 10 day Notice to End Tenancy on November 20, 2008 due to non-payment of rent. The tenant had five days to either pay the outstanding rent or to file an application to dispute the notice. The tenant failed to exercise either of these rights.

The landlord gave the tenant notice on January 16, 2009 to inspect the rental unit. On January 19, 2009 the landlord entered the rental unit and discovered that the tenant had vacated. The landlord submits that the tenant must have vacated the rental unit between January 16<sup>th</sup> and 19<sup>th</sup>, 2009.

The landlord seeks a monetary claim for the sum of \$3,950.00 including the recovery of the \$50.00 filing fee paid for this application.

### Analysis:

I grant the landlord's application. I find that the tenant was served with a 10 day Notice to End Tenancy and that the tenant failed to pay the outstanding rent or to file an application to dispute the notice. As a result the tenant is conclusively presumed to have accepted the end of the tenancy pursuant to section 46(5) of the Act. As the tenant has subsequently vacated the rental unit an Order of Possession is no longer necessary.

I accept the evidence of the landlord that the tenant has failed to pay rent for the sum of \$3,900.00. I grant the landlord a monetary Order of the sum of **\$3,950.00**. This Order may be filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

Conclusion:

I grant the landlord's application and have issued a monetary Order for the sum of **\$3,950.00**.

Dated January 27, 2009.

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Dispute Resolution Officer