



## **Dispute Resolution Services**

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

### **Decision**

#### **Dispute Codes:**

MNR

OPR

MNSD

FF

#### **Introduction**

This hearing dealt with an Application for Dispute Resolution by the landlord for an Order of Possession based on the Notice to End Tenancy for Unpaid Rent dated January 2, 2009, a monetary order for rent and utilities owed and an order to retain the security deposit in partial satisfaction of the claim.

Although served with the Application for Dispute Resolution and Notice of Hearing in person by registered mail sent on January 11, 2009 and signed for by the tenant, the Tenant did not appear.

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

The landlord is seeking an Order of Possession. The landlord is also seeking a monetary order claiming unpaid rent of \$1,050.00 each month for January 2009 and February 2009 and \$150.00 utilities for gas and hydro.

The issues to be determined based on the testimony and the evidence are:

Whether or not the landlord is entitled to an Order of Possession based on the 10-Day Notice to End Tenancy for Unpaid Rent

Whether or not the landlord is entitled to monetary compensation for rental arrears owed and utilities owed.

### **Background and Evidence**

The landlord submitted into evidence a copy of the 10-Day Notice to End Tenancy dated January 2, 2009 with effective date of January 5, 2009, a copy of the tenancy agreement and proof of service. The landlord testified that the tenancy began on December 15, 2008, at which time the tenant paid a security deposit of 525.00. The landlord testified that the tenant failed to pay rent for January 2009 and February 2009 amounting to a total of \$2,100.00. The landlord testified that under the tenancy agreement, the tenant also owes \$150.00 for utilities for two months. The landlord testified that the tenant may or may not have vacated the unit and the landlord has requested an Order of Possession.

### **Analysis**

Based on the testimony of the landlord, I find that the tenant was served with a Notice to End Tenancy for Unpaid Rent by posting it on the door. The tenant has not paid the outstanding rent and did not apply to dispute the Notice and is therefore conclusively presumed under section 46(5) of the Act 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.

I find that the landlord is entitled to receive \$2,300.00 comprised of \$1,050.00 rent owed for January 2009, \$1,050.00 rent owed for February 2009, \$150.00 owed for utilities to date and the \$50.00 fee paid by the landlord for this application. I order that the landlord retain the security deposit and interest of \$525.37 in partial satisfaction of the claim leaving a balance due of \$1,774.63.

### **Conclusion**

I hereby issue an Order of Possession in favour of the landlord effective two days after service on the tenant. .This order must be served on the Respondent and may be filed in the Supreme Court and enforced as an order of that Court.

I hereby grant the Landlord an order under section 67 for \$1,744.63. This order must be served on the Respondent and may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

February, 2009

Date of Decision

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Dispute Resolution Officer