



## **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 November 13, 2008, a monetary order for rent 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 on December 1, 2008, 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 1,080.00 for accrued pad rental arrears since November 2008 owed by the tenant.

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 loss of rent

### **Background and Evidence**

The landlord submitted into evidence a copy of the 10-Day Notice to End Tenancy dated November 13, 2008 with effective date of December 1, 2008. The landlord testified that the tenancy began before 2006. The landlord testified that the tenant failed to pay \$260.00 rent for the months of September 2008, October 2008, November 2008, December 2008, January 2009 and February 2009 amounting to a total of \$1,560.00. The landlord testified that on February 18, 2009, the tenant paid a partial amount of \$480.00, but still owes \$1,080.00. The landlord testified that the tenant has not moved 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 did not pay the outstanding rent within five days of receiving the Ten-Day Notice to end Tenancy and did not apply to dispute the Notice and is therefore conclusively presumed under section 48(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 the remaining rental arrears of \$1,080.00. I find that the landlord has established a total monetary claim of \$1,130.00 comprised of \$1,080.00 remaining rental arrears and the \$50.00 fee paid by the landlord for this application.

### **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 60 for \$1,130.00. 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