



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, MNSD, & FF

Introduction:

This hearing dealt with an application by the landlord for an Order of Possession and a monetary claim due to non-payment of rent by the tenant. Although the tenant was served with notice of the landlord's application and this hearing by registered mail on February 8, 2009, he did not appear for the hearing. I proceeded with the hearing in the tenant's absence finding that the tenant has been served in accordance with sections 88 and 89 of the *Act*.

Issues to be Determined:

Is the landlord entitled to an Order of Possession? Is the landlord entitled to a monetary claim related to non-payment of rent?

Background and Evidence:

The landlord submitted a copy of the tenancy agreement which began on January 1, 1999 for the initial monthly rent of \$745.00. The landlord stated the current monthly rent is \$845.00. The tenant paid a security deposit of \$372.50 on January 1, 1999.

The landlord served a 10 day Notice to End Tenancy due to non-payment of rent on January 15, 2009 when it was posted to the door of the rental unit. The tenant is deemed to have received the notice as of January 18th, 2009. The tenant had five days to either pay the outstanding rent or to file an application to dispute the notice. Having failed to exercise either of these rights the tenant is conclusively presumed to have accepted the end of the tenancy pursuant to section 46(5) of the *Act*. On this basis I grant the landlord an Order of Possession effective **immediately**.

The landlord confirmed that the rental unit appears to be abandoned after they inspected the unit on February 16, 2009. The landlord is seeking a monetary claim for two month's lost rent and recovery of the filling fee paid for this application for the sum of \$1,740.00. From this sum the landlord requests to retain the tenant's security deposit plus interest of \$414.31 in partial satisfaction of this claim. I grant the landlord's request.

I grant the landlord a monetary Order for the remaining balance owed of **\$1,325.69**. This Order may be filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

Conclusion:

The landlord's application is granted. The landlord is granted an Order of Possession and a monetary claim due to the tenant's failure to pay rent.

Dated February 17, 2009.

Dispute Resolution Officer