

Dispute Resolution Services

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

DECISION

Dispute Codes:

OPR, MNR, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession due to unpaid rent, a monetary order to recover rental arrears and inclusive of recovery of the filing fee associated with this application. Both the tenant and the landlord participated in the 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 March 15, 2008. Rent in the amount of \$1150 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 \$575. The tenant has accrued arrears in rent and fees to January 07, 2009 in the amount of \$3300 and on January 07, 2009 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant further failed to pay rent in the month of February, and for the month of March 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 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.

The landlord requests an order of possession effective 2 days from the time it is served on the tenant. Based on the above facts I find that the landlord is entitled to an order of possession.

As for the monetary order, I find that the landlord has established a claim for \$4450.82 in unpaid rent up to February 28, 2009. I grant the landlord one half (1/2) months rent for the month of March 2009 in the amount of \$575, with leave to reapply, if necessary, for the balance of the month of March 2009.

The landlord is also entitled to recovery of the \$50 filing fee for a quantum entitlement of **\$5075.82**

Conclusion

I grant an order of possession to the landlord, effective 2 days from the day it is served. 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 security deposit and interest of \$581.88 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of **\$4493.94**. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated March 05, 2009