

# Dispute Resolution Services

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

## **DECISION**

### **Dispute Codes:**

OPR, MNR, MNSD,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, and an order to retain the security deposit in partial satisfaction of the monetary claim. Despite having been served with the application for dispute resolution and notice of hearing by registered mail on February 18, 2009 the tenant did not participate 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 May 01, 2008. Rent in the amount of \$1110 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 \$555. The tenant failed to pay rent in the month of February, 2009 and on February 06, 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 March and April 2009. The total rental arrears to date are comprised of rent in the amount of \$2280 and \$50 for late fees for a total claim of **\$2330.**

The landlord testified that there is interest and applicants available for April 15, 2008, and requests an order of possession effective two (2) days from the day of service upon the tenants.

### **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.

Based on the above facts I find that the landlord is entitled to an order of possession.

As for the monetary order, I grant the landlord arrears to the end of March in the amount of \$1170 and \$555 for one half months rent for the month of April 2009, with leave to reapply for the balance of April, if necessary. I find that the landlord has established a claim for **\$1725** in unpaid rent. The landlord is also entitled to recovery of the **\$50** filing fee, for a total entitlement of **\$1775**.

### **Conclusion**

I grant an order of possession to the landlord. 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 deposit and interest of \$560.57 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of **\$1214.43**. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated April 07, 2009