



Dispute Resolution Services

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

DECISION

Dispute Codes: OPR, MNR, MND, MNSD and FF

Introduction

This application was brought by the landlord on March 19, 2009 seeking an Order of Possession pursuant to a 10-day Notice to End Tenancy for unpaid rent served on March 6, 2009. The landlord also sought a Monetary Order for the unpaid rent, late fees and filing fee for this proceeding and authorization to retain the security deposit in set off against the balance owed.

Despite having been sent the Notice of the Hearing by registered mail on March 23, 2009, the tenant did not call in to the number provided to enable her participation in the telephone conference call hearing. Therefore, it proceeded in her absence.

Issues to be Decided

This application requires a decision on whether the landlord is entitled to an Order of Possession and the effective date, and a Monetary Order for the unpaid rent, late fees and filing fee for this proceeding, and authorization to retain the security deposit in set off against the balance owed.

Background and Evidence

This tenancy began on December 1, 2007. Rent is \$700 per month and the landlord holds a security deposit of \$350 paid on November 19, 2007.

During the hearing, the landlord gave evidence that the Notice to End Tenancy was served when the tenant had not paid the rent for March 2009. In the interim, the tenant has not paid the rent for April 2009 and remained in the rental unit at the time of the hearing.

Analysis

Section 46 of the *Act* which deals with notice to end tenancy for unpaid rent provides that a tenant may pay the overdue rent or make application for dispute resolution within five days of receiving the notice.

If the tenant does neither, they are presumed to have accepted that the tenancy ends on the date stated on the notice. In this matter, the tenant has not paid the rent and has not made application to dispute the notice.

Therefore, the landlord requested, and I find he is entitled to, an Order of Possession effective two days from service of it on the tenant.

I further find that the landlord is entitled to a Monetary Order for the unpaid rent, late fees and filing fee for this proceeding and authorization to retain the security deposit in set off as follows:

March rent	\$ 700.00
March late fee	25.00
April rent	700.00
April late fee	25.00
Filing fee	50.00
Sub total	\$1,500.00
Less retained security deposit	- 350.00
Less interest (November 19, 2007 to date)	- 5.88
TOTAL	\$1,144.12

Conclusion

Thus, the landlords' copy of this decision is accompanied by an Order of Possession effective two days from service of it on the tenant and a Monetary Order for \$1,144.12.

The Order of Possession is enforceable through the Supreme Court of British Columbia, and the Monetary Order is enforceable through Provincial Court of British Columbia.

April 30, 2009

Dispute Resolution Officer