



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION AND REASONS

Dispute Codes

OPR, MNR, MNDC, 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 this application and hearing by registered mail on March 4, 2009, he did not appear for the hearing. I deem the tenant as having been served on the 5th day after the documents were sent pursuant to section 90(a) of the *Act*. I proceeded with the hearing in the tenant's absence.

Issues to be Determined

Has this tenancy ended due to non-payment of rent by the tenant? Has the landlord established a monetary claim related to non-payment of rent by the tenant? Should the landlord retain the tenant's security deposit plus interest in partial satisfaction of this claim?

Background and Evidence

This tenancy began on November 1, 2008 for the monthly rent of \$1,100.00 and a security deposit of \$550.00. On February 6, 2009 the tenant was served with a 10 day Notice to End Tenancy due to failing to pay rent owed for the sum of \$2,225.00. The tenant had five days to either pay the outstanding rent or to file an application to dispute the notice.

The landlord stated that the tenant has continued to not pay the rent owed and the current rental arrears are the sum of \$3,300.00 plus non-sufficient funds (NSF) charges of \$75.00 pursuant to the tenancy agreement.

The landlord seeks an Order of Possession and a monetary claim due to the tenant's breach of the tenancy agreement.

Analysis

I grant the landlord's application. I find that the tenant has accepted the end of the tenancy by failing to respond to the 10 day Notice to End Tenancy pursuant to section 46(5) of the *Act*. I grant the landlord's request for an Order of Possession effective **April 30, 2009 at 1:00 p.m.** This Order may be filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

I also accept the landlord's evidence establishing a total monetary claim of \$3,375.00 due to outstanding rent and NSF charges. I Order that the landlord may retain the tenant's security deposit plus interest of \$551.38 in partial satisfaction of this claim. I grant the landlord a monetary Order for the remaining balance owed of **\$2,823.62**. 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 tenant has breached the tenancy agreement by failing to pay the rent owed.

Dated April 23, 2009.

Dispute Resolution Officer