



## **Dispute Resolution Services**

Residential Tenancy Branch  
Ministry of Housing and Social Development

### **Decision**

#### **Dispute Codes:**

MNR

OPR

MNSD

FF

#### **Introduction**

This hearing dealt with an Application for Dispute Resolution by the landlord for an Order of Possession based on the Notices to End Tenancy for Unpaid Rent dated March 17, 2009 and a One-Month Notice for Cause dated January 28, 2009. The landlord was also seeking a monetary order for rent owed and an order to retain the security deposit in partial satisfaction of the claim.

Although served with the Application for Dispute Resolution and amended Notice of Hearing by registered mail sent on April 24, 2009, the tenant did not appear.

#### **Issue(s) to be Decided**

The application is for an Order of Possession and the landlord is requesting a monetary order claiming unpaid rent of \$440.00 each month for March 2009, April 2009 and May 2009 owed by the tenant.

The issues to be determined based on the testimony and the evidence are:

Whether or not the landlord is entitled to an Order of Possession based on the 10-Day Notice to End Tenancy for Unpaid Rent

Whether or not the landlord is entitled to monetary compensation for rental arrears owed and loss of rent

### **Background and Evidence**

The landlord submitted into evidence a copy of the 10-Day Notice to End Tenancy dated March 17, 2009 with effective date of March 30, 2009, a copy of the One-Month Notice to end Tenancy for Cause dated January 28, 2009, a copy of the tenancy agreement and application for tenancy, copies of inspection reports and proof of service. The landlord testified that the tenancy began in August 2008, at which time the tenant paid a security deposit of \$220.00. The landlord testified that the tenant failed to pay rent for the months of March, April and May 2009 amounting to a total of \$1,320.00. The landlord testified that the tenant has not vacated the unit and this is the reason that the landlord has requested an Order of Possession..

### **Analysis**

Based on the testimony of the landlord, I find that the tenant was served with a Notice to End Tenancy for Unpaid Rent and has not paid the outstanding rent nor did he apply to dispute the Notice and is therefore conclusively presumed under section 46(5) of the Act 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.

I find that the landlord is entitled to receive \$440.00 rental arrears for the month of March 2009, \$440.00 rental arrears for the month of April 2009 and \$440.00 \$440.00 rental arrears for the month of May 2009 and reimbursement for the \$50.00 cost of filing this application for a total monetary award of \$1,370.00. I order that the landlord retain the security deposit and interest of \$221.38 in partial satisfaction of the claim leaving a balance due of \$1,148.62.

## **Conclusion**

I hereby issue an Order of Possession in favour of the landlord effective two days after service on the tenant. This order must be served on the Respondent and may be filed in the Supreme Court and enforced as an order of that Court.

I hereby grant the Landlord an order under section 67 for \$1,148.62. This order must be served on the Respondent and may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

May 2009

Date of Decision

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Dispute Resolution Officer