



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 Notice to End Tenancy for Unpaid Rent dated March 5, 2009, 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 Notice of Hearing in person on March 9, 2009 and by registered mail sent on March 20, 2009, the tenant did not appear

Issue(s) to be Decided

The landlord is seeking an Order of Possession. The landlord is also seeking a monetary order claiming rental arrears of \$820 for February 2009, \$400.00 for March 2009, \$820.00 for April 2009.

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 5, 2009 with effective date of March 20, 2009, a copy of the resident ledger, a copy of the tenancy agreement, and proof of service. The landlord testified that the tenancy began as a fixed term on November 1, 2008, at which time the tenant paid a security deposit of \$400.00 and a pet damage deposit of \$400.00. The landlord testified that the tenant failed to pay \$820 owed for February 2009, \$400.00 outstanding for March 2009, \$820.00 owed for April 2009 and \$820.00 owed for May 2009 amounting to a total of \$2,860.00. The landlord testified that the tenant has not vacated the unit and the landlord has therefore 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. The tenant has not paid the outstanding rent and did not 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 has established a total monetary claim of \$2,910.00 comprised of \$820 arrears for February 2009, \$400.00 still outstanding for March 2009, \$820.00 arrears for April 2009, \$820.00 now owed for May 2009 and the \$50.00 fee paid by the landlord for this application. I order that the landlord retain the security deposit and pet damage deposit along with interest totalling \$802.00 in partial satisfaction of the claim leaving a balance due of \$2,108.00.

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 \$2,108.00. 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

Dispute Resolution Officer