



## **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 May 1, 2009, a monetary order for \$202.00 rent owed and an order to retain the security deposit in partial satisfaction of the claim. The Landlord was also seeking an Order of Possession based on a One-Month Notice to End Tenancy for Cause dated April 27, 2009.

Although served with the Application for Dispute Resolution and Notice of Hearing in person on May 1, 2009, the tenant did not appear.

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

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 or in the alternative, based on the One-Month Notice to End Tenancy for Cause.

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 May 1, 2009 with effective date of May 15, 2009, a copy of the One-Month Notice to End Tenancy for Cause, a copy of the tenancy agreement and copies of past notices for unpaid rent. The landlord testified that the tenancy began on March 1, 2009, at which time the tenant paid a security deposit of \$250.00. The landlord testified that the tenant had a habit of paying rent in partial amounts. The landlord testified that the tenant still owed \$2.00 from April's rent and then failed to pay rent for May on May 1, 2009. The landlord testified that the tenant eventually paid \$300.00 during May 2009 and as of June 1, 2009 the arrears had accrued to \$702.00. The landlord testified that the tenant has not vacated the unit and the landlord has requested an Order of Possession along with a monetary order.

### **Analysis**

Based on the testimony of the landlord, I find that the tenant was served with a Notice to End Tenancy for Unpaid Rent in person. The tenant failed to pay 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 is entitled to receive rental arrears of \$202.00 still owed for the month of May 2009 and \$500.00 rent for June 2009. I find that the landlord has established a total monetary claim of \$752.00 comprised of \$702.00 for rent and the \$50.00 fee paid by the landlord for this application. I order that the landlord retain the security deposit and interest of \$250.00 in partial satisfaction of the claim leaving a balance due of \$502.00.

## **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 \$502.00. 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.

June, 2009

Date of Decision

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Dispute Resolution Officer