



## **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 April 27, 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 by registered mail sent on May 15, 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 unpaid rent of \$1,000.00 each month for April 2009, May 2009 and June 2009 and \$5.00 for returned cheque charges 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 April 27, 2009 with effective date of May 7, 2009, a copy of the resident ledger, copy of a returned cheque and copies of correspondence. No copy of the tenancy agreement was submitted into evidence. The landlord testified that the tenancy began on November 30, 2007, at which time the tenant paid a security deposit of \$500.00. The landlord testified that the tenant failed to pay \$1,000.00 rent for each month of April 2009, May 2009 and June 2009 amounting to a total of \$3,000.00. The landlord testified that the tenant's cheque was returned incurring additional costs of \$5.00. The landlord testified that the tenant has not paid the arrears, has not disputed the notice, nor vacated the unit and the landlord is requesting 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 in person on April 27, 2009. I find that 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 is entitled to a total monetary claim of \$3,055.00 comprised of \$1,000.00 rent for April 2009, \$1,000.00 rent owed for May 2009, \$1,000.00 rent owed for the month of June 2009, \$5.00 bank charges and the \$50.00 fee paid by the landlord for this application. I order that the landlord

retain the security deposit and interest of \$508.17 in partial satisfaction of the claim leaving a balance due of \$2,546.83.

**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 \$2,546.83. 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

\_\_\_\_\_

Dispute Resolution Officer