



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

Decision

Dispute Codes:

CNR MNR

OPR

MNSD

FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant to cancel a Ten-Day Notice to End Tenancy for Unpaid Rent dated May 27, 2009.. The hearing also dealt with an application by the landlord for an Order of Possession based on the Ten-Day Notice to End Tenancy for Unpaid Rent , a monetary order for rent owed and an order to retain the security deposit in partial satisfaction of the claim.

Despite being served in person on June 7, 2009, the tenant did not attend the hearing to respond to the landlord's application for an order of possession and monetary order, nor to put forth the tenant's case to justify cancelling of the Ten-Day Notice. No evidence was submitted by the tenant and the hearing proceeded in the tenant's absence.

Issue(s) to be Decided

The landlord was seeking an Order of Possession and monetary order based on the Ten-Day Notice and the Tenant's application was seeking to cancel the notice.

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

- Whether or not the Notice should be enforced and an Order of Possession be issued 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 May 2009, June 2009 and July 2009.

Background and Evidence

The landlord testified that the tenancy began in May 2009 with rent set at \$650.00 per month and a security deposit of \$325.00 paid. The landlord testified that the tenant only paid a portion of the rent for May 2009 in the amount of \$425.00 and that a 10-Day Notice to End Tenancy dated May 27, 2009 was served by posting it on the door. The landlord testified that the tenant also failed to pay rent of \$650.00 for the month of June 2009 and \$650.00 for the month of July 2009 and the landlord is seeking \$1,725.00 in compensation plus the cost of filing the application. The landlord testified that the tenant has not vacated the unit and 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 by posting it on the door. The tenant has not paid the outstanding rent and the tenant's application to dispute the Notice was not supported by sufficient evidence to justify cancelling the Ten-Day Notice. Based on the above facts I find that the tenant's application is dismissed and the landlord is entitled to an Order of Possession.

I find that the landlord is entitled to compensation of \$1,775.00 comprised of \$425.00 rent for arrears for May 2009, \$650.00 rent owed for June 2009,

\$650.00 rent owed for the month of July 2009 and the \$50.00 fee paid by the landlord for this application. I order that the landlord retain the security deposit and interest of \$325.00 in partial satisfaction of the claim leaving a balance due of \$1,450.00.

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 \$1,450.00. 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.

July 2009

Date of Decision

Dispute Resolution Officer