



# **Dispute Resolution Services**

Residential Tenancy Branch  
Office of Housing and Construction Standards  
Ministry of Housing and Social Development

## **Decision**

**Dispute Codes:** OPR, MNR, MNSD, FF

## **Introduction**

This hearing dealt with the landlord's application for an order of possession, a monetary order as compensation for unpaid rent / loss of rental income, retention of the security deposit in partial satisfaction of the claim, and recovery of the filing fee for this application. The landlord's agent participated in the hearing and gave affirmed testimony. Despite being served by way of registered mail with the application for dispute resolution and notice of hearing, the tenant did not appear.

## **Issues to be decided**

- Whether the landlord is entitled to an order of possession
- Whether the landlord is entitled to a monetary order under the Act

## **Background and Evidence**

Pursuant to a written residential tenancy agreement, the month-to-month tenancy began on November 1, 2007. Rent in the amount of \$825.00 is payable on the first day of the month, and a security deposit of \$412.50 was collected on October 19, 2007.

The landlord issued a 10 day notice to end tenancy for unpaid rent dated June 2, 2009. The notice was served by posting on the tenant's door on that same date. A copy of the notice was submitted into evidence. Subsequently, the tenant failed to pay rent in the amount of \$100.00 that was outstanding for May, or rent in the amount of \$825.00 which was due for each of the months of June, July and August 2009.

## **Analysis**

Based on the documentary evidence and undisputed testimony of the landlord's agent, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent dated June 2, 2009. The tenant did not pay the outstanding rent within 5 days of receiving the notice and did not apply to dispute the notice. The tenant 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. Accordingly, I find that the landlord is entitled to an order of possession.

As for the monetary order, I find that the landlord has established a claim of \$2,700.00. This is comprised of \$2,575.00 in unpaid rent [ $\$100.00 + (\$825.00 \times 3)$ ], \$75.00 in fees for late payment of rent ( $\$25.00 \times 3$ ), and recovery of the \$50.00 filing fee. I order that the landlord retain the security deposit of \$412.50 plus interest of \$7.46, and I grant the landlord a monetary order under section 67 of the Act for the balance owed of \$2,280.04 ( $\$2,700.00 - \$419.96$ ).

## **Conclusion**

Pursuant to all of the above, I hereby issue an order of possession in favour of the landlord effective not later than **two (2) days** after service upon the tenant. This order must be served on the tenant. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

Pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the landlord in the amount of **\$2,280.04**. This order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

DATE: August 12, 2009

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Dispute Resolution Officer