



Dispute Resolution Services

Residential Tenancy Branch

Ministry of Housing and Social Development

DECISION

Dispute Codes:

CNR, OPR, MNR, MNSD, FF

Introduction

This hearing was convened in response to an application by the landlord and an application by the tenant. The landlord applies for an Order of Possession due to unpaid rent, a Monetary Order to recover rental arrears and inclusive of recovery of the filing fee associated with this application, and an order to retain the security deposit in partial satisfaction of the monetary claim. The tenant applied to Cancel the Notice to End for Unpaid Rent, as well as for more time to make this application.

At the outset of the hearing the tenant withdrew / cancelled their application stating they were vacating the rental unit as they no longer trusted the landlord, even if their application were to be successful - and exited the conference call hearing. Therefore, the tenant's application is dismissed without leave to reapply. The hearing proceeded on the merits of the landlord's application and claims.

Issue(s) to be Decided

Is the notice to end tenancy valid?

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to the monetary amounts claimed?

Background and Evidence

The tenancy began on August 15, 2009. Rent in the amount of \$740 is payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$370. The tenant failed to pay all rent owing in the month(s) of September 2009 and on September 18, 2009 the landlord served the tenant with a notice to end tenancy for non-payment of rent in the

amount of \$370. The tenant further failed to pay rent for the month of October 2009, and November 2009. The quantum of the landlord's monetary claim is for rent arrears totalling **\$1850**.

Analysis

Based on the landlord's undisputed and solemnly affirmed testimony I find that the tenant was served with a notice to end tenancy for non-payment of rent and I find the notice to be valid. The tenant has not paid the outstanding rent and although they applied for dispute resolution to dispute the notice they have now withdrawn their application, and therefore the tenant is conclusively presumed to have accepted that the tenancy has ended on the grounds for the Notice

Based on the above facts 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 for **\$1850** in unpaid rent. The landlord is also entitled to recovery of the \$50 filing fee, for a total entitlement of **\$1900**.

Conclusion

I grant an Order of Possession to the landlord, **effective 2 days from the day it is served on the tenant**. The tenant must be served with this Order of Possession. 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.

I order that the landlord retain the deposit and interest of \$370 in partial satisfaction of the claim and I grant the landlord an order under Section 67 of the Act for the balance due of **\$1530**. If necessary, this order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated November 12, 2009.