



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

OPR, MNR, FF

Introduction

This hearing was convened in response to an application by the landlord 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.

Both the landlord and the tenant appeared in the conference call hearing and were given opportunity to participate with their submissions and testimony. The tenant still resides in the rental unit.

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 July 01, 2008. Rent in the amount of \$595 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 \$297.50. The tenant failed to pay rent in the month(s) of August through October 2009 and on November 01, 2009 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant further failed to pay rent in the month of November and December 2009. The

quantum of the landlord's monetary claim is for rent in the amount of **\$2975**. The landlord further seeks a n Order of Possession effective as soon as possible.

The tenant acknowledges not paying the rent and not having the financial resources to pay any rent.

Analysis

Based on the landlord's and tenant's 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 has not applied for dispute resolution to dispute the notice and is therefore conclusively presumed 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 has established a claim for **\$2975** in unpaid rent. The landlord is also entitled to recovery of the \$50 filing fee, for a total entitlement of **\$3025**.

Conclusion

I grant an Order of Possession to the landlord effective two (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 \$299.74 in partial satisfaction of the claim and I grant the landlord an order under Section 67 of the Act for the balance due of **\$2725.26**. If necessary, this order may be filed in the Small Claims Court and enforced as an order of that Court.
