



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

Decision

Dispute Codes:

MNR, OPR, MNSD, MNDC, 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 January 7, 2010, a monetary order for rent owed and an order to retain the security deposit in partial satisfaction of the claim. Despite being served with the landlord's application and Notice of Hearing by registered mail sent on January 29, 2010, 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 \$881.00 each month for January 2010, February 2010 and March 2010, and the \$50.00 cost of filing the application. 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 January 7, 2010 with effective date of January 17, 2010, a copy of the resident ledger and a copy of the tenancy agreement. The landlord testified that the tenancy began on May 1, 2008, at which time the tenant paid a

security deposit of \$425. The landlord testified that the tenant failed to pay \$881.00 rent for the months of January and February, 2010 amounting to \$1,762.00 and loss of \$881.00 rent for March for a total of \$2,643.00 in rent. The landlord testified that the tenant has not yet 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 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 has established a total monetary claim of \$2,693.00 comprised of \$1,762.00 accrued rental arrears, loss of rent of \$881.00 for March 2010 and the \$50.00 fee paid by the landlord for this application. I order that the landlord retain the tenant's security deposit of \$429.28 in partial satisfaction of the claim leaving a balance due of \$2,263.72.

Conclusion

I hereby issue an Order of Possession in favour of the landlord effective March 15, 2010. 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 \$2,263.72. 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.

March 2010

Date of Decision

Dispute Resolution Officer