



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, FF

Introduction

This hearing was convened by way of conference call this date to deal with an application by the landlord for an Order of Possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. Despite having been served with the application for dispute resolution and notice of hearing by registered mail on April 16, 2010, the tenant did not participate in the conference call hearing.

At the outset of the hearing the landlord's agent requested that the application be amended to include a monetary order for the rent due for the month of June, 2010 because she had assumed this hearing would take place prior to the end of May, 2010. I hereby find that the tenant is not prejudiced by such an amendment, and therefore, the amendment is allowed.

Issues(s) to be Decided

Is the landlord entitled to an Order of Possession for unpaid rent?

Is the landlord entitled to a monetary order for unpaid rent?

Is the landlord entitled to a monetary order for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement?

Is the landlord entitled to retain the security deposit in partial satisfaction of the claim?

Background and Evidence

The tenancy began on January 1, 2007. Rent in the amount of \$754.00 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 \$345.00. The tenant failed to pay rent in the months of January, February, and March, 2010, having paid \$674.00 only for the month of January, 2010 and nothing for February and March, 2010. On March 15, 2010 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 months of April, May and June, 2010, however made a payment in the amount of \$600.00 on April 6, 2010 and \$530.00 on May 6, 2010, for which the landlord provided the tenant with receipts for use and occupancy only.

The landlord further requested that an Order of Possession be granted effective June 30, 2010.

Analysis

Based on the landlord's testimony I find that the tenant was served with a notice to end tenancy for non-payment of rent. 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.

As for the monetary order, I find that the landlord has established a claim for \$2,720.00 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee.

Conclusion

Based on the above facts I find that the landlord is entitled to an Order of Possession, and I hereby order that the Order of Possession be effective June 30, 2010 at 1:00 p.m.. The tenant must be served with the 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 \$355.62 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of

\$2,414.38. This order may be filed in the Provincial Court of British Columbia, Small Claims Court and enforced as an order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: June 03, 2010.

Dispute Resolution Officer