



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

Decision

Dispute Codes:

MNR, MNDC, OPR, OPQ, MNSD, 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 May 10, 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 application by registered mail sent on May 19, 2010, and the amended application in person, 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 \$999.00 for arrears accrued in May, June and July 2010 and the \$50.00 cost of filing the application.

The issues to be determined are whether the landlord is entitled to an Order of Possession based on the 10-Day Notice and whether the landlord is entitled to monetary compensation for rental arrears owed .

Background and Evidence

The landlord submitted into evidence a copy of the 10-Day Notice to End Tenancy dated May 10, 2010 with effective date of May 21, 2010 which had been posted on the tenant's door, a copy of the tenancy agreement and copies of correspondence. The landlord testified that the tenancy began on March 15, 2008, at which time, according to records, the tenant paid a security deposit of

\$300.00. The landlord testified that the tenant failed to pay \$200.00 rent for the month of May, \$404.00 owed for June and \$404.00 due on July 1, 2010. The landlord testified that after deducting a \$9.00 credit, the tenant owed \$999.00 in arrears and the landlord was seeking a monetary order for this amount. The landlord testified that the tenant has not 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 the landlord has established a monetary claim of \$1,049.00 comprised of \$999.00 accrued rental arrears and the \$50.00 fee paid by the landlord for this application. I order that the landlord retain the security deposit of \$303.76 in partial satisfaction of the claim leaving a balance due of \$745.24.

Conclusion

I hereby issue an Order of Possession in favour of the landlord effective two days after service on the tenant. 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 \$745.24. 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.

July 2010

Date of Decision

Dispute Resolution Officer