Decision

Dispute Codes: OPR, CNR, MNR, MNSD, FF

Introduction

This hearing dealt with two applications: i) by the landlord for an order of possession / a monetary order as compensation for unpaid rent / retention of the security deposit / and recovery of the filing fee; ii) by the tenant for cancellation of a notice to end tenancy / and recovery of the filing fee.

These matters were scheduled to be heard by way of conference call scheduled for September 27, 2010 at 1:30 p.m. The landlord was present at 1:30 p.m., participated in the hearing and gave affirmed testimony. The landlord testified that the application for dispute resolution and notice of hearing were served on the tenant by way of registered mail; however, despite this and despite scheduling of the hearing in response to applications by both parties, at 1:40 p.m. the tenant had still not appeared and the conference call was concluded at that time.

Issues to be decided

• Whether either party is entitled to any of the above under the Act

Background and Evidence

Pursuant to a written tenancy agreement, the month-to-month tenancy began on July 1, 2008. Currently, rent in the amount of \$722.00 is payable in advance on the first day of each month. A security deposit of \$250.00 was collected at the outset of tenancy.

Arising from rent which was unpaid when due on August 1, 2010, the landlord issued a 10 day notice to end tenancy for unpaid rent dated August 11, 2010. The notice was served on the tenant by way of registered mail. A copy of the notice was submitted into evidence.

Subsequently, the tenant made no payment toward overdue rent for August, has made no payment of rent for September 2010, and continues to reside in the unit.

<u>Analysis</u>

The full text of the Act, regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: <u>www.rto.gov.bc.ca/</u>

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent dated August 11, 2010. While the tenant filed an application for dispute resolution on August 9, 2010, as earlier noted the tenant did not attend the hearing. Further, the tenant did not pay the outstanding rent for August 2010 within 5 days of receiving the notice, and has not paid any rent for September 2010. Accordingly, 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 of 1,494.00. This is comprised of 1,444.00 for two months' rent combined (2 x 722.00), plus the 50.00 filing fee. I order that the landlord retain the security deposit of 250.00 plus interest of 1.89, and I grant the landlord a monetary order under section 67 of the Act for the balance owed of 1.242.11 (1,494.00 - 251.89)

Conclusion

Pursuant to all of the above, I hereby issue an <u>order of possession</u> in favour of the landlord effective not later than <u>two (2) days</u> after service upon the tenant. This order must be served on the tenant. 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.

Pursuant to section 67 of the Act, I hereby issue a <u>monetary order</u> in favour of the landlord in the amount of <u>\$1,242.11</u>. Should it be necessary, this order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

The tenant's application is hereby dismissed.

DATE: September 27, 2010

Dispute Resolution Officer