



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR, MNR

Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order for unpaid rent. The landlord participated in the conference call hearing but the tenant did not. The landlord presented evidence that the tenant was served with the application for dispute resolution and notice of hearing by registered mail on October 8, 2010. I found that the tenant had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence.

Issues 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 and loss of income?

Background and Evidence

The tenancy began on or about October 2009. Rent in the amount of \$600.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant(s) a security deposit in the amount of \$300.00. In the landlord's affirmed testimony the landlord stated that the tenant failed to pay rent in the month(s) of August 2010 and September 2010 and on September 25, 2010 the landlord served the tenant with a notice to end tenancy. The tenant further failed to pay rent in the month of October 2010.

The landlord stated that the tenant had vacated the rental unit and that he no longer required an order of possession and this part of the application has been withdrawn.



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Analysis

Based on the documentary evidence and testimony I find that the tenant was properly served with a notice to end tenancy for non-payment of rent. The tenant did not pay the outstanding rent within 5 days of receiving the notice and did not apply 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 was entitled to an order of possession however as the tenant has vacated the unit an order of possession is not required.

As for the monetary order, I find that the landlord has established a claim for \$1800.00 in unpaid rent.

Conclusion

I find that the landlord has established a claim for \$1800.00 in unpaid rent. I order the landlord pursuant to s. 38(4) of the Act to keep the Tenant's security deposit in partial satisfaction of the claim and I grant the landlord a monetary order under section 67 for the balance due of \$1500.00.

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$1500.00**. If the amount is not paid by the tenant, the order may be filed in the Provincial (Small Claims) Court of British Columbia 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: October 25, 2010

Dispute Resolution Officer