

Decision

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

Introduction

This hearing dealt with an application by the landlord for an order of possession / a monetary order as compensation for unpaid rent / compensation for damage or loss under the Act, regulation or tenancy agreement / retention of the security deposit / and recovery of the filing fee. The landlord's agent participated in the hearing and gave affirmed testimony. Despite being served in person with the application for dispute resolution and notice of hearing, the tenant did not appear.

Issues to be decided

- Whether the landlord is entitled to any or all of the above under the Act, regulation or tenancy agreement

Background and Evidence

Pursuant to a written tenancy agreement, the month-to-month tenancy began on April 1, 2010. The tenant's portion of monthly rent is \$233.00, which is due and payable in advance on the first day of each month. A security deposit of \$500.00 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 9, 2010. The notice was served by way of personal delivery to the tenant's mailbox. A copy of the notice was submitted into evidence. Subsequently, the tenant has made no payment towards rent and continues to have possession of the unit.

Analysis

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

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord's agent, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent dated August 9, 2010. The tenant did not pay the outstanding rent within 5 days of receiving the notice and did not apply to dispute the notice. The tenant 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. 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 as follows:

\$699.00: 3 months in unpaid rent (August, September & October (3 x \$233.00)

\$75.00: late payment of rent fees (3 x \$25.00)

\$50.00: filing fee

Total: \$824.00

I order that the landlord retain the security deposit of \$500.00 and I grant the landlord a monetary order under section 67 of the Act for the balance owed of \$324.00 (\$824.00 - \$500.00).

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **two (2) days** 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 **monetary order** in favour of the landlord in the amount of **\$324.00**. 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.

DATE: October 13, 2010

Dispute Resolution Officer