



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR, OPB, MND, MNR, MNSD, MNDC, FF

Introduction

This was an application by the landlord for an order for possession, a monetary order and an order to retain the security deposit in partial satisfaction of the monetary award. The hearing was conducted by conference call. The landlord was represented by its property manager. The tenant did not attend the hearing although he was served with the application and Notice of hearing sent by registered mail on August 18, 2010.

Issues(s) to be Decided

Is the landlord entitled to an order for possession?

Is the landlord entitled to a monetary order and if so, in what amount?

Background and Evidence

The rental unit is an apartment in a 22 unit apartment building. The tenancy began on May 1, 2009 and runs from month to month with current rent in the amount of \$552.12 due in advance on the first day of each month. The tenant paid a security deposit of \$267.50 on April 17, 2009.

Based on the testimony of the landlord's representative, given under solemn affirmation I find that the tenant was personally served with a Notice to End Tenancy for non-payment of rent on August 4, 2010. The tenant has not paid the outstanding rent and has not applied for arbitration to dispute the Notice; he is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice.

Analysis and conclusion

As of September 15th the tenant has moved most of his belongings from the rental unit. Based on the above facts I find that the landlord is entitled to an order for possession effective two days after service on the tenant. This order may be filed in the Supreme Court and enforced as an Order of that Court.

The tenant paid a portion of the rent due for August. He paid \$267.50, leaving a balance owing of \$284.62. The tenant has not paid rent for September. He has moved most but not all of his belongings out of the rental unit. I find that the landlord is entitled to claim September rent in the amount of \$552.12. The landlord is entitled to recover the \$50.00 filing fee for this application for a total claim of \$886.74. I order that the landlord retain the deposit and interest of \$267.50 and I grant the landlord an order under section 67 for the balance due of \$619.24. This order may be filed in the Small Claims Court and enforced as an order of that Court.

The landlord has leave to apply for a further monetary order for loss of revenue and the cost to clean and repair damage to the rental unit.