



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, & FF

### Introduction

This hearing dealt with an application for Dispute Resolution by the landlord seeking an Order of Possession and a monetary Order due to the tenant's failure to pay rent. The landlord also seeks to retain the tenant's security deposit in partial satisfaction of this claim.

Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross examine the other party, and make submissions to me.

### Issue(s) to be Decided

Has the tenant breached the tenancy agreement, Act or regulations entitling the landlord to an Order of Possession and monetary relief?

### Background and Evidence

This tenancy began on July 1, 2010 for the monthly pad rent of \$300.00. The tenant never signed and returned the written tenancy agreement so the parties only have an oral agreement.

The landlord stated that the tenant has consistently failed to pay the rent since the tenancy began. The landlord served the tenant with a 10 day Notice to End Tenancy Due to Unpaid Rent. The landlord provided a copy of the 10 day Notice to End Tenancy due to Unpaid Rent which was signed by the landlord on October 25, 2010 and declares that the tenant failed to pay the rent owed of \$600.00 on September 1, 2010. The notice declares that the tenant must vacate the rental unit by November 9, 2010 unless the tenant pays the outstanding rent owed or has filed an application for Dispute Resolution to dispute the notice within five days of receiving the notice.

The landlord testified that the tenant has failed to pay the rent owed for September, October, November and December 2010 for the total of \$1,200.00. The landlord also seeks four late payments of rent fees for the sum of \$100.00 and the recovery of the \$50.00 filing fee paid for this application.

The tenant conceded that he has not paid the rent owed as presented by the landlord.

### Analysis

Based on the evidence provided by the landlord and tenant, I find that the tenant has failed to pay the rent owed of \$1,200.00 for September, October, November and December 2010 as required by the tenancy agreement. I find that the tenant was served with a 10 day Notice to End Tenancy due to Unpaid rent and that the tenant failed to either pay the outstanding rent or to file an application for Dispute Resolution to dispute the notice in the five days provided by section 39(4) of the *Act*.

Pursuant to section 39(5) of the *Act*, I find that the tenant has conclusively accepted the end of the tenancy agreement effective November 15, 2010 and on this basis I grant the landlord's application seeking an Order of Possession for the rental unit.

I am satisfied by the evidence that the tenant failed to pay rent owed for the sum of \$1,200.00 for the months of September, October, November and December 2010. I also find that the tenant owes four late payments of rent fees totally \$100.00 as required by the tenancy agreement. In addition I Order that the tenant to recovery the \$50.00 filing fee paid by the landlord for this application. As a result, I find that the landlord has established a total monetary claim for the sum of **\$1,350.00**.

### Conclusion

I find that the landlord is entitled to an Order of Possession of the rental unit effective **two (2) days** after it has been served upon the tenant. This Order may be filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

I find that the landlord has established a monetary claim due to breach of the tenancy agreement by the tenant for the sum of **\$1,350.00**. This Order must be served on the tenant. This Order may be filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

Dated: December 08, 2010.

---

Dispute Resolution Officer