



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

Decision

Dispute Codes:

MNR, OPR, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an Order of Possession based on the Notice to End Tenancy for Unpaid Rent dated November 11, 2010 and a monetary order for rent owed.

Both parties appeared and gave testimony during the conference call.

Issue(s) to be Decided

The issues to be determined based on the testimony and the evidence are:

Whether or not the landlord is entitled to an Order of Possession based on the 10-Day Notice to End Tenancy for Unpaid Rent

Whether or not the landlord is entitled to monetary compensation for rental arrears owed and loss of rent

Background and Evidence

The landlord submitted into evidence a copy of the 10-Day Notice to End Tenancy dated November 11, 2009 with purported effective date of November 20, 2009. The landlord testified that the tenancy began in April 2008 and the current rent was \$400.00. Two tenants shared the premises as co-tenants.

The landlord testified that the tenant fell into arrears for rent in the amount of \$600.00 since November 1, 2010 and a Ten Day Notice to End Tenancy for Unpaid Rent was issued to end the tenancy. The landlord testified that the house is apparently not being occupied by either tenant at this point, but one of the co-tenants has a boat stored on the premises and is evidently living in the boat.

The landlord has requested an Order of Possession and a monetary order for rent owed. The tenant did not dispute the testimony given by the landlord.

Analysis

Based on the testimony of the landlord, I find that the tenant was served with a Notice to End Tenancy for Unpaid Rent by posting it on the door. The tenant has not paid the outstanding rent and did not apply to dispute the Notice and 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. Based on the above facts I find that the landlord is entitled to an Order of Possession.

I find that the landlord has established a total monetary claim of \$650.00 comprised of \$600.00 accrued rental arrears and the \$50.00 fee paid by the landlord for this application.

Conclusion

I hereby issue an Order of Possession in favour of the landlord effective two days after service on the tenant. This order must be served on the Respondent and may be filed in the Supreme Court and enforced as an order of that Court.

I hereby grant the Landlord an order under section 67 for \$650.00. This order must be served on the Respondent and may be filed in the Provincial Court (Small Claims) 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: December 2010.

Dispute Resolution Officer