



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, FF

Introduction

This was the hearing of an application by the landlord for a monetary order and an order for possession. The hearing was conducted by conference call. The landlord's representative participated in the hearing but the tenant did not call into the conference although he was served with the application for dispute resolution and Notice of Hearing sent to him by registered mail on November 17, 2010.

Issues(s) to be Decided

Is the landlord entitled to an order for possession?

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

Background and Evidence

The tenancy began several years ago. Monthly rent is \$510.00 payable on the first of each month. The tenant paid a security deposit of \$255.00 at the commencement of the tenancy.

The tenant failed to pay the full amount of rent for October, 2010. \$50.00 is owed for October. The tenant did not pay rent for November and on November 3, 2010 the landlord served the tenant with a 10 day Notice to End Tenancy for unpaid rent by posting it to the door of the rental unit. In December the tenant paid the landlord the sum of \$510.00 for December's rent. The payment was accepted for use and occupancy only. There is still \$560.00 outstanding for October and November.

The tenant has not paid the outstanding rent in full and he has not applied to dispute the Notice to end tenancy; he is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice. The landlord has accepted December's rent for use and occupancy. Based on the above facts I find that the landlord is entitled to an order for possession effective December 31, 2010 after service on the tenant. This order may be filed in the Supreme Court and enforced as an Order of that Court.

I find that the landlord has established a claim for unpaid rent totalling \$560.00 for the months of October and November, 2010. The landlord is entitled to recover the \$50.00 filing fee for this application for a total claim of \$610.00. I order that the landlord retain the deposit and interest of \$255.00 and I grant the landlord an order under section 67 for the balance due of \$355.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated: December 08, 2010.
