



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes OPR, MNR, MNDC, CNC, FF

Introduction

This hearing dealt with two applications as follows:

By the landlord: for an Order of Possession for unpaid rent or utilities; for a Monetary Order for compensation or loss under the Act; and to recover the filing fee for this application.

By the tenant: for the cancellation of an Order of Possession, and to recover the filing fee for his application.

The landlord participated in the hearing and provided affirmed testimony. He testified that he served the Notice of a Dispute Resolution Hearing to the tenant by way of registered mail and by posting the notice on the tenant's door on February 1st, 2011. The tenant did not participate in the hearing; the tenant's application is dismissed without leave to reapply and the hearing proceeded in the tenant's absence.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to a Monetary Order, and if so for what amount?

Background and Evidence

The rental unit consists of a basement suite in a detached home. Pursuant to a written agreement, the month to month tenancy started on October 1st, 2008. The monthly rent of \$650.00 was payable on the first of each month. The tenant paid a security deposit in the amount of \$325.00.

The landlord testified that the tenant had an outstanding debt of \$800.00 for unpaid rent in 2009. In his evidence, the landlord provided a letter from the tenant dated November 24th, 2009, wherein the tenant agreed to repay the debt at a rate of \$50.00 per month in addition to the rent. The landlord said that the tenant still owes \$200.00 towards that debt. The landlord provided copies of outstanding utility charges and made an updated monetary claim as follows:

- Unpaid rent for 2009:	\$ 200.00
- Unpaid rent for September 2010:	\$ 650.00
- Unpaid rent for February 2011:	\$ 650.00
- Unpaid utilities from October 2010 to January 2011:	\$ 341.48
- Total:	\$1841.48

The landlord stated that he served the tenant in person with a 10 Day Notice to End Tenancy on January 18th, 2011, effective February 28th, 2011.

Analysis

I accept the landlord's undisputed testimony that he served the tenant with the Notice of Dispute Resolution in a proper manner pursuant to the *Residential Tenancy Act*. I find that the tenant knew, or ought to have had knowledge of the date scheduled for this hearing.

The tenant did not attend the hearing and his application is dismissed in its entirety. Based on the available evidence, I find that the Notice to End Tenancy is valid and that the tenancy will end as specified on the notice. Accordingly, I grant the landlord an Order of Possession effective February 28th, 2011.

In the absence of any evidence from the tenant, I also find that the landlord is entitled to a monetary order for unpaid rent and utilities as claimed.

Conclusion

I grant the landlord an Order of Possession effective February 28th, 2011. This Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

I authorize the landlord to retain the tenant's \$325.00 security deposit for a balance of \$1516.48. Since he was successful, I award the landlord recovery of the \$50.00 filing fee for a Monetary Order totalling \$1566.48.

This Order may be registered in the Small Claims Court 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: February 09, 2011.

Residential Tenancy Branch