



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This was an application by the landlord for an order for possession and a monetary order for unpaid rent. The hearing was conducted by conference call. The landlord's representative called in and participated in the hearing but the tenant did not attend although the landlord's representative personally served her with the application for dispute resolution and Notice of Hearing on January 17, 2011.

Issue(s) to be Decided

Is the landlord entitled to an order for possession?
Is the landlord entitled to a monetary order for unpaid rent?

Background and Evidence

This tenancy began on September 1, 2010. The rent is \$720.00 due in advance on the first day of each month. A security deposit of \$355.00 was paid by the tenant at the start of the tenancy. On January 4, 2011 the tenant was served with a Notice to End Tenancy for non-payment of rent by posting it to the door of the rental unit. The tenant has not paid the outstanding rent and did not file an application to dispute the Notice.

Analysis

Section 46 of the Act requires that upon receipt of a Notice to End Tenancy for non-payment of rent the tenant must, within five days, either pay the full amount of the arrears indicated on the Notice or dispute the notice by filing an Application for Dispute Resolution with the Residential Tenancy Branch. If, as in the present case, the tenant does neither of these two things, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice.

Conclusion

Order of Possession - Based on the above background, evidence and analysis I find that the landlord is entitled to an order of 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.

Monetary Order and Security Deposit - I find that the landlord has established a total monetary claim of \$770.00 consisting of unpaid rent for January in the amount of \$720.00 and the \$50.00 fee paid by the landlord for this application. I order that the landlord retain the deposit and interest of \$355.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$415.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated: February 01, 2011.
