



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 by the landlord for an order of possession for unpaid rent, a monetary order for unpaid rent, to keep all or part of the security deposit and recovery of the filing fee. Both parties participated in the conference call hearing.

Issue(s) to be Decided

Is the landlord entitled to any of the above under the Act.

Background and Evidence

The tenant's monthly rent is currently \$1016.67 and the tenant paid a security deposit of \$475.00. On February 2, 2011 the landlord served the tenant a 10 Day Notice to End Tenancy for Unpaid Rent.

The landlord's agent testified that the tenant has unpaid rent in the amount of \$1201.00. The landlord's agent stated that the tenant still occupies the rental unit but that the tenant has agreed to vacate no later than March 12, 2011. The landlord's agent is seeking a monetary order for \$1201.00 in unpaid rent and an order of possession for March 12, 2011.

The tenant testified that she is still occupying the rental unit and that she had agreed to vacate the rental unit on March 12, 2011. The tenant did not dispute the amount of the rent owed and acknowledged in this hearing that she was responsible for the unpaid rent.

Both parties were reminded that although the tenancy was ending it was important that a move-out inspection be completed with both parties present.

Analysis

Based on the documentary evidence and testimony I find that the tenant was properly served with a notice to end tenancy for non-payment of rent. The tenant did not pay the

outstanding rent within 5 days of receiving the notice and did not apply for dispute resolution to dispute the notice and is therefore conclusively presumed 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 claim for \$1201.00 in unpaid rent.

The landlord is entitled to recovery of the \$50.00 filing fee.

Conclusion

I hereby grant the Landlord an **Order of Possession** effective not later than **3:00 PM, March 12, 2011**. This Order must be served on the Tenants and may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

I find that the landlord has established a monetary claim for \$1201.00 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee. I order the landlord pursuant to s. 38(4) of the Act to keep the tenant's \$475.00 security deposit in partial satisfaction of the claim and I grant the landlord a monetary order under section 67 for the balance due of **\$776.00** ($\$1201.00 + \$50.00 = \$1251.00 - \$475.00 = \776.00)

A monetary order in the amount of **\$776.00** has been issued to the landlord and a copy of it must be served on the tenant. If the amount is not paid by the tenant, the Order may be filed in the Provincial (Small Claims) Court of British Columbia 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: March 7, 2011

Residential Tenancy Branch