



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MNSD, MNR, MNDC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord for an order of possession, a monetary order, an order to retain the security deposit in partial satisfaction of the claim and to recover the filing fee.

Although served with the Application for Dispute Resolution and Notice of Hearing on February 28, 2011, by registered mail, the Tenant did not appear.

At the outset of the hearing, the Landlord stated that the Tenant had vacated the rental unit and that she no longer required an Order of Possession.

Issue(s) to be Decided

Has the Tenant breached the Act or tenancy agreement, entitling the Landlord to an Order for monetary relief?

Background and Evidence

Based on the testimony of the Landlord, I find that the Tenant was served with a 10 Day Notice to End Tenancy for Unpaid Rent (the "Notice") on February 16, 2011. The Notice informed the Tenant that the Notice would be cancelled if the rent was paid within five days. The Notice also explains the Tenant had five days to dispute the Notice.

The Tenant neither disputed the Notice nor paid the rent.

The Landlord testified that the monthly rent is \$1,400.00, that the Tenant did not pay rent for the months of November 2010 through March 2011 and that the current unpaid rent is \$7,000.00.

Analysis

Based on the above testimony and evidence, and on a balance of probabilities, I find as follows:

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.

Conclusion

I find that the Landlord has established a total monetary claim of **\$7,100.00** comprised of outstanding rent of \$7,000.00 and the \$100.00 fee paid by the Landlord for this application.

I order that the Landlord retain the deposit and interest of \$408.04 in partial satisfaction of the claim and I grant the Landlord an order under section 67 for the balance due of **\$6,691.96.**

This order 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: March 15, 2011.

Residential Tenancy Branch