

Decision

Dispute Codes:

MNR, OPR, MNSD, FF, MNDC, OPT, AAT

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an Order of Possession based on the Notice to End Tenancy for Unpaid Rent dated March 2, 2011, a monetary order for rent owed and an order to retain the security deposit in partial satisfaction of the claim.

The hearing was also convened to deal with an application by the tenant seeking a monetary order for damages, to obtain an order of possession for the tenant and an order to allow access to or from the suite.

The landlord was in attendance. Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail sent to the tenant and recorded as received by the tenant's representative named as Power of Attorney, nobody for the tenant appeared.

As the tenant did not appear to present his evidence, the tenant's application was dismissed without leave to reapply.

Issue(s) to be Decided

The issues to be determined based on the testimony and the evidence are:

Whether or not the landlord is entitled to an Order of Possession based on the 10-Day Notice to End Tenancy for Unpaid Rent

Whether or not the landlord is entitled to monetary compensation for rental arrears owed.

Background and Evidence

The landlord submitted into evidence a copy of the 10-Day Notice to End Tenancy dated March 2, 2011 with effective date of March 12, 2011, a copy of the move-in condition inspection report, copies of receipts a copy of the tenancy agreement and the application for tenancy. The landlord testified that the tenancy began on January 1,

2011, at which time the tenant paid a security deposit of \$225.00. The landlord testified that the tenant failed to pay \$450.00 rent for the month of February 2011 and was issued with a Ten Day Notice to End Tenancy for Unpaid Rent. The landlord testified that the tenant did not dispute the Notice, did not pay the arrears and has not vacated the unit. The landlord has requested an Order of Possession and a monetary order for rent owed.

Analysis

Based on the testimony of the landlord, I find that the tenant was served with a Notice to End Tenancy for Unpaid Rent by posting it on the door. 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. 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 total monetary claim of \$500.00 comprised of \$450.00 accrued rental arrears and the \$50.00 fee paid by the landlord for this application. I order that the landlord retain the security deposit of \$225.00 in partial satisfaction of the claim leaving a balance due of \$275.00.

Conclusion

I hereby issue an Order of Possession in favour of the landlord effective two days after service on the tenant. This order must be served on the Respondent and may be filed in the Supreme Court and enforced as an order of that Court.

I hereby grant the Landlord an order under section 67 for \$275.00. This order must be served on the Respondent and may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

The tenant's application is dismissed in its entirety without leave to reapply.

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 2011.

Residential Tenancy Branch