



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes OPR, OPB, MND, MNR, MNSD, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession for unpaid rent, an order of possession for breach of an agreement, a monetary order for damages, 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.

Summary of Background and Evidence

This tenancy began August 2009 with monthly rent of \$700.00. On February 21, 2011 the landlord served the tenant with a 10 Day Notice to End Tenancy for Unpaid Rent.

At the start of the hearing the tenant was connected in to the conference call by the Telus operator as he had no out-going minutes on his cell phone.

The landlord testified that the tenant currently owes \$6500.00 in unpaid rent. The tenant has not paid rent for the following months: May, June, July, August 2010 @ \$750.00 per month; October 2010 through February 2011 @ \$400.00 per month; March, April 2011 @ \$750.00 per month. As the tenant still occupies the rental unit the landlord is requesting an order of possession effective 2 days after service upon the tenant. The landlord is requesting a monetary order for the unpaid rent.

The tenant testified that he did owe the unpaid rent and that he has new accommodations lined up for May 1, 2011.

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 \$6500.00 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 **2 days** after service of the Order upon the tenants. 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 \$6500.00 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 \$350.00 security deposit in partial satisfaction of the claim and I grant the landlord a monetary order under section 67 for the balance due of **\$6200.00** ($\$6500.00 + \$50.00 = \$6550.00 - \$350.00 = \6200.00)

A monetary order in the amount of **\$6200.00** 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: April 18, 2010

Residential Tenancy Branch