



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes OPR

Introduction

This hearing dealt with an application by the landlord for an order of possession for unpaid rent. The landlord participated in the conference call hearing but the tenant did not. The landlord presented evidence that the tenant was served with the application for dispute resolution and notice of hearing by registered mail. I found that the tenant had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence.

Issue(s) to be Decided

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

Summary of Background and Evidence

On March 7, 2011 the landlord served the tenant with a 10 Day Notice to End Tenancy for Unpaid Rent.

The landlord testified that the tenant currently owes the landlord \$2000.00 in unpaid rent for March 2011 and April 2011.

The landlord stated that she has had to pay \$500.00 in fines which were levied by the strata council against her suite due to the tenant's actions. In October 2010 the landlord was fined \$100.00 by the strata as the tenant had been observed smoking marijuana on numerous occasions which is a contravention of the strata bylaws. In November 2010 the landlord was fined \$400.00 by the strata for two infractions related to the tenant having two large dogs in his rental unit which is a contravention of the strata bylaws.

The landlord stated that she is not sure if the tenant is still in the rental unit but believes that as of April 20, 2011 the tenant is in the process of vacating the rental unit as a member of the strata council observed him moving items out of the rental unit.

The landlord in this application is requesting an order of possession for unpaid rent and compensation for unpaid rent and strata fines.

Analysis

Based on the documentary evidence and undisputed testimony of the landlord, 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. The landlord is entitled to compensation for the \$500.00 in fine that she paid which were direct results of the tenant acting against the strata bylaws and repeatedly failing to correct his actions.

I find that the landlord has established a claim for \$2500.00 in unpaid rent and strata fines.

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

Conclusion

I hereby grant the landlord an **Order of Possession**, effective **1 day** 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 \$2500.00 in unpaid rent and strata fines. 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 \$500.00 security deposit in partial satisfaction of the claim and I grant the landlord a monetary order under section 67 for the balance due of **\$2050.00** ($\$2500.00 + \$50.00 = \$2550.00 - \$500.00 = \2050.00)

A monetary order in the amount of **\$2050.00** 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 21, 2010

Residential Tenancy Branch