



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes OPR, OPC, MNR, FF

Introduction

This conference call hearing was convened in response to the landlord's application for an Order of Possession for unpaid rent and for cause; a Monetary Order for unpaid rent; and to recover the filing fee associated with this application.

Both parties attended the hearing and provided affirmed testimony. They were given a full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to a Monetary Order, and if so for what amount?

Is the landlord entitled to recover the filing fee?

Background and Evidence

The rental unit consists of a one bedroom apartment in a multi unit complex. The parties did not dispute the following evidence: the month to month tenancy started on January 15th, 2011; the rent of \$770.00 was payable on the first of each month and the tenant paid a security deposit of \$385.00; the tenant owes \$1540.00 for unpaid rent for March and April 2011.

Analysis

Section 46(5) of the *Residential Tenancy Act* provides that if a tenant who has received a Notice to End Tenancy for non-payment of rent does not pay the rent or makes an application for dispute resolution within 5 days, the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice and must vacate the rental unit by that date. The tenant in this matter has not filed an application for dispute resolution.

Based on the above and the available evidence I find that the landlord is entitled to an Order of Possession and a monetary order for unpaid rent as claimed.

Conclusion

I grant the landlord an Order of Possession effective two days from the date the order is served upon the tenant.

This Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

Since I have issued an Order of Possession on the strength of the 10 Day Notice to End Tenancy the 1 Month Notice to End Tenancy need not be addressed.

The landlord established a claim of \$1540.00. Since she was successful, she is entitled to recover the \$50.00 for a claim totalling \$1590.00. I authorize the landlord to keep the \$385.00 security deposit and pursuant to Section 67 of the Act, I grant the landlord a monetary order for the balance of \$1155.00.

This Order may be registered in the Small Claims Court 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 06, 2011.

Residential Tenancy Branch