



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

Decision

Dispute Codes: OPR, MNR, MNDC, MNSD, FF

Introduction

This hearing dealt with the landlord's application for an order of possession / a monetary order as compensation for unpaid rent / compensation for damage or loss under the Act, regulation or tenancy agreement / retention of the security deposit / and recovery of the filing fee. The landlord and a person assisting him participated in the hearing and gave affirmed testimony.

Despite mailing of the application for dispute resolution and notice of hearing to the tenant by way of registered mail, the tenant did not appear. Included in the landlord's evidence is the Canada Post tracking number for the registered mailing.

Issues to be decided

- Whether the landlord is entitled to any or all of the above under the Act, regulation or tenancy agreement

Background and Evidence

Pursuant to a written tenancy agreement, the tenancy began on February 1, 2011. Monthly rent is \$600.00, and a security deposit of \$300.00 was collected.

Arising from rent which was unpaid when due on March 1, 2011, the landlord issued a 10 day notice to end tenancy for unpaid rent dated March 8, 2011. The notice was served by way of posting on the tenant's door on that same date. A copy of the notice was submitted into evidence. Subsequently, on March 21, 2011 the tenant made a payment toward rent in the limited amount of \$160.00. No further rent payments have been made by the tenant and he continues to reside in the unit.

Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent dated March 8, 2011. The tenant did not pay the full amount of outstanding rent within 5 days of receiving the notice, and did not apply to dispute the notice. The tenant 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. Accordingly, I find that the landlord is entitled to an order of possession.

As for the monetary order, I find that the landlord has established a claim of \$1,090.00. This is comprised of \$440.00 which is the balance of unpaid rent for March (\$600.00 - \$160.00), \$600.00 which is the full amount of unpaid rent for April, and the \$50.00 filing fee. I order that the landlord retain the security deposit of \$300.00, and I grant the landlord a monetary order under section 67 of the Act for the balance owed of \$790.00 (\$1,090.00 - \$300.00).

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **two (2) days** after service on the tenant. This order must be served on the tenant. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$790.00**. Should it be necessary, this order may be served on the tenant, filed 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*.

DATE: April 8, 2011

Residential Tenancy Branch