



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This is an application by the Landlord for an order of possession resulting from a 10 day notice to end tenancy for unpaid rent, a request for a monetary order for unpaid rent and the recovery of the filing fee.

Both parties attended the hearing by conference call and gave testimony.

The Co-Tenant, DD has not attended the hearing.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Is the Landlord entitled to a monetary order?

Background and Evidence

This tenancy began on October 1, 2010 on a month to month basis. The monthly rent is \$625.00 payable on the 1st of each month. There is a security deposit of \$312.50 paid on October 1, 2010.

The Landlord states that he served a 10 day notice to end tenancy for unpaid rent on March 2, 2011 by posting it on the door. The notice displays an unpaid rent amount of \$625.00 which was not paid on March 1, 2010. The Tenant confirms receiving this notice on her door. The Landlord stated that the rent for March and April remain unpaid as of the date of this hearing. The Tenant confirms non-payment of the rent. The Tenant has not filed an application of dispute resolution within 5 days of receiving the notice.

The notice of hearing packages were served in person on both Tenants on March 16, 2011 as shown in the submitted proof of service by the Landlord.

Analysis

Based upon the undisputed testimony of the Landlord and that of the direct evidence of the Tenant, I am satisfied that the Tenant was properly served with the 10 day notice to end tenancy for unpaid rent. The Tenant is deemed to have accepted that the tenancy was at an end. The Tenant over held the rental unit until the date of the hearing. I find that the Landlord is entitled to an order of possession. The Tenant must be served with the order of possession. 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.

As for the monetary order request, I find that the Landlord is entitled as the Tenant has not paid rent and has over held the rental unit. The Landlord has established a claim for \$1,250.00 (\$625.00 X 2 rent for March and April). The Landlord is also entitled to the recovery of the \$50.00 filing fee. I order that the Landlord retain the \$312.50 security deposit in partial satisfaction of the claim and I grant an order under section 67 for the balance due of \$987.50. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The Landlord is granted an order of possession and a monetary order for \$987.50. The Landlord may retain the security deposit.

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