



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes OPR, MNR, MNDC, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order. Both parties participated in the conference call hearing.

Issues to be Decided

Is the landlord entitled to an order of possession?
Is the landlord entitled to a monetary order?

Background and Evidence

The facts were not in dispute. The tenant is obligated to pay \$700.00 per month in rent and did not pay rent in the months of January – April 2011 inclusive. On February 22, the landlord served on the tenant a 10 day notice to end tenancy for unpaid rent.

Analysis

I find that the tenant was 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 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, I find that the tenant failed to pay rent in the months of January - April. I award the landlord \$2,800.00. The landlord is also entitled to recovery of the \$50.00 filing fee. I grant the landlord an order under section 67 for \$2,850.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

I note that the landlord had also claimed \$350.00 for a security deposit. As I advised the landlord at the hearing, this branch does not order tenants to pay security deposits at the end of the tenancy and I therefore dismiss that claim.

Conclusion

The landlord is granted an order of possession and a monetary order for \$2,850.00.

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 05, 2011

Residential Tenancy Branch